

Criminalizing Women in the Last Best West: Gender, Race, and Class in the Alberta Criminal
Justice System, 1892-1920.

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Abstract

Research addressing the regional differences in patterns of criminalization between Central Canada and Western Canada has been overlooked by many historians of criminal law. This research looks into those differences and explores how the unique developments in the political, social, and economic history of Alberta influences the patterns of criminalization women of different races, and social classes experienced as Alberta transitioned from a Territory to a Province (1892-1920). The findings reveal a complex evolution of gender, race, and class discourses as Alberta's frontier society was transformed to an agrarian society and later a mixed agrarian and industrial society as settler colonialism, temperance and social reform campaigns, and geopolitical upheaval redefined the region.

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Chapter 1: Introduction

Modern commentators in popular culture and the news media have conceptualized crime as a phenomenon from moral degenerates by describing almost all criminals regardless of their crimes as one subclass. Observers describe whole neighbourhoods as hotbeds of crime, and the people who live there as troublesome and delinquent. These communities usually have two things in common. They are poor, and they are often made up of ethnic or religious minorities, and racialized peoples. News media repeatedly portrays criminals as possessing some psychological disorder, or moral perversion that causes their aberrant behaviours.¹ Ruling classes have used such descriptions against specific marginalized demographics, such as women, racialized people, those on the lower rungs of the class ladder. With so much attention paid to criminality, the justice system maintains a seemingly omnipotent presence in the everyday lives of citizens as it seeks to regulate behaviour, maintain social norms, discipline subaltern segments of society, and reinforce class, race, and gender boundaries. Those with economic, political, and social power use their authority to define standards of citizenship in ways that promote a social order in tune with elite aims and interests. Criminalization becomes a tool that influential people can use to enforce orthodoxy and punish those who fall outside the prescribed standard.²

In recent years Canada has branded itself as a nation focused on human rights, one that promotes the notion that multiculturalism allows men and women, no matter their ethnicity or

¹ Michael C. Adorjan, "Emotions Contests and Reflexivity in the News: Examining Discourse on Youth Crime in Canada," *Journal of Contemporary Ethnography* 40 no.2 (2011), 169.

² Michael Foucault, *Discipline and Punish: The Birth of the Prison*, trans Alan Sheridan. (New York: Vintage Books, 1995), 195.

social status, to live and work together.³ During the British colonial period in Canada, upper and middle-class British citizens enjoyed a privileged status which enabled them to profoundly shape the laws and policies which assimilated and punished those who did not adhere to 'British morals.' In western Canada, my focus is on Alberta in particular, colonial structures developed in a distinctive manner and caused the region to evolve dissimilarly to other places in Canada. Scholars like Adele Perry have called these regions 'frontier' societies and discussed how they fostered communities that did not fall in line with the upper-class British status quo.⁴ Fur trade society represented the first iteration of this distinct frontier society in the Territory that would become Alberta in 1905, later evolving into a more agrarian culture. These early frontier societies were community oriented, had less class division, and had relatively progressive gender norms as criminal records show an emphasis on the preservation of community functioning.⁵ As these regions became incorporated into the Canadian Dominion, class and gender became critical points of contention as criminalization shifted to focus on crimes of class and social boundaries.⁶

Criminologists had much influence on historians' analyses of crime and criminality in Canada. Criminology seeks to analyze modern occurrences of crime and to apply scientific methods to understanding the 'who' and 'why' of criminal activity. Despite criminology contributing immensely to understanding contemporary patterns of crime, influences on criminal law, and effects of criminal justice, criminology gave less attention to understanding the

³ *Encyclopedia of Social Welfare History in North America*, s.v. Multiculturalism (Canada).

⁴ Adele Perry, *On The Edge of Empire: Gender, Race, and the Making of British Columbia 1849-1871*, Canada: University of Toronto Press, 2001. Perry focused her research in British Columbia and closely examines the fur trade society in the region.

⁵ R.C. MacLeod, "Crime and Criminals in the North-West Territory, 1873-1905," in *The Mounted Police and Prairie Society*, ed William M. Baker. (Canada: Hignell Printing Limited, 1998), 86-87.

⁶ David Bright, "Loafers Are Not Going to Subsist Upon Public Credulence: Vagrancy and the Law in Calgary, 1900-1914." *labour/le Travail* 36 (Fall 1995), 31. Karlene Faith, *Unruly Women: The Politics of Confinement & Resistance*. New York: Seven Stories Press, 2011.

historical roots and changes that influenced criminal justice and affected society because of those changes.⁷

Historically, affluent white men in Canada were the primary authors of criminal law. They developed, refined, and adjusted criminal discourse throughout Canadian history. Historical statistics show how men, indistinctive of race and class, were incarcerated at higher rates than women for almost every crime with few exceptions.⁸ For this reason, much is known about the social, cultural, political, and racial influences that cause men to come into conflict with the law. Female criminologists began to appear in Canada in the 1970s,⁹ and they started to add discussions about female offenders by applying feminist theory to the field. Early feminist criminologists argued that the shortage of studies into women's criminality left a void in understanding women and their interactions with the law.¹⁰ At the same time as female criminologists entered academics, the push of second-wave feminism also brought a wave of female historians and influenced the fields of women's and gender history.

Canadian historians, also increasingly attuned to women's stories and lives, and the centrality of gender systems of power, drew on the insights of the increasing number of female criminologists. The combination of these scholarly threads began to bear fruit in the 1980s. At that time, legal history in Canada picked up steam all while drawing on past studies, and being reconfigured as scholars increasingly directed attention to a wide range of social divisions and

⁷ Karlene Faith, *Unruly Women*, 2011.

Carolyn Strange, *Toronto's Girl Problem: The Perils and Pleasures of the City, 1880-1930*. Toronto: University of Toronto Press, 1995. Meda Chesney-Lind. "'Women and Crime': The Female Offender." *Signs* 12 no. 1 (Autumn, 1986): 78-96.

⁸ Karlene Faith, *Unruly Women*, 27-28. These exceptions included the offences of vagrancy and prostitution in Canada.

⁹ Russell Smandych and Bryan Hogeveen, "On the Fragmentation of Canadian Criminal Justice History," *Canadian Journal of Criminology* 41, no. 2 (April 1999): 191.

¹⁰ Carol Smart, *Law, Crime and Sexuality: Essays in Feminism*. (California: Sage Publications, 1995), 40.

systems of power including race, class, and colonialism. Nevertheless, the field remains small and underdeveloped because social historians have refrained from fully engaging with the law and do not consider themselves legal historians.¹¹ Women's, gender, and Indigenous scholars have had significant influence advancing the study of historical criminal justice, but they tend not to call themselves legal historians because they want their work to add to their respective social history corpora.¹² Often, then, legal history remains as a theme within histories focused on some other topics.

Over time, the modest, but growing body of work on legal history in Canada provided a wealth of methodologies, theoretical approaches, and many empirically rich case studies. The breadth of methodologies has varied widely providing a myriad of interpretations and understandings of crime ranging from feminist theory to materialism to poststructuralism, among others. The variety of historical and scholarly disciplines that have interacted with legal history explains the range of methods used by scholars. The historiography of the field breaks down into two general periods of methodological study. Early criminal justice scholars from a variety of scholarly disciplines between the 1970s to the late 1980s usually focused on a single methodology to explore one interpretation and also sought to address the general lack of scholarship relating to the history of the law and crime.¹³ Later, researchers writing in the 1990s and onward brought a combination of methodologies derived from social historians after their

¹¹ Jim Phillips, "Recent Publication in Canadian Legal History," *The Canadian Historical review* 78 no. 2 (1997): 236-257.

¹² Historians like Tina Loo, *Making Law, Order, and Authority in British Columbia, 1821-1871*. Toronto: University of Toronto Press, 1994 and Dorothy Chunn, *From Punishment to Doing Good: Family Courts and Socialized Justice in Ontario, 1880-1940*. Toronto: University of Toronto Press, 1992 have made important contributions to legal history but are classified as an Indigenous historian and feminist sociology respectively as a result their work falls into those corpora and not that of legal history.

¹³ Jim Phillips, "The Impeachment of the Judges of the Nova Scotia Supreme Court, 1787-1793: Colonial Judges, Loyalist lawyers, and the Colonial Assembly," *Dalhousie Law Journal*, 34 no 3. (2016), and John McLaren, *Dewigged, Bothered, and Bewildered: British Colonial Judges on Trial, 1800-1900*. Toronto: University of Toronto Press, 2011 are a few examples of historians who made early contributions to legal history.

primary areas led them to engage with legal and judicial systems and began to develop a corpus of legal history.¹⁴

The early historiographical period encompasses a wide range of studies and became the starting point for an array of methodologies because social history encouraged scholars to ask questions about subjects that had occupied the background of the scholarship. Angus McLaren was one such scholar. His interest in the history of sexuality led him to question social anxieties about women's sexuality and explore how upper-class Anglo men responded in "Birth Control and Abortion in Canada, 1870-1920." McLaren claimed that the changes in abortion laws served to combat fears of 'race suicide' by upper-class Anglo women.¹⁵ While McLaren addresses the impact that the law had on women and their sexuality, he did not engage with the law as the primary subject of his examination.

In contrast, Constance Backhouse, as one of Canada's most prominent legal scholars, has devoted her work to unravelling the complex discourses women have faced within the Canadian criminal justice system as victims, offenders, and judicial professionals. Backhouse completed her education during the height of the women's rights movement of the 1960s, which left a lasting impact on her work as she has been recognized as an advocate for the restructuring of criminal law in Canada by using a bottom-up approach to her scholarship. "Desperate Women and Compassionate Courts: Infanticide in Nineteenth-Century Canada" delved into the sexual politics of fertility, contraception, and abortion that served as a way to control lower-class and

¹⁴ These scholars include historians like Lesley Erickson, "'A very garden of the Lord?' Hired Hands, Farm Women, and Sex Crime Prosecutions on the Prairies, 1914-1929." *Journal of the Canadian Historical Association* 12 (2001), 115-135 and Tamara Myers, "Sex, Gender, and the History of the Adolescent Body: 30 Years after 'The Crime of Precious Sexuality.'" *The Journal of History of Childhood and Youth* 21 no. 1 (2009), 95-102. who are just two of the many scholars making significant contributions to legal history.

¹⁵ Angus McLaren, "Birth Control and Abortion in Canada, 1870-1920," *The Canadian Historical Review* 59 no. 3 (September 1978): 319.

racialized women who faced the severe social fallout from unwanted pregnancies. Drawing heavily on feminist theories developed during the sexual revolution, Backhouse focused attention on disconnects between the harsh legal discourse and more lenient attitudes of both the courts and the public toward women accused of infanticide.¹⁶ While both McLaren and Backhouse addressed similar topics, Backhouse's focus on the law and her use of case studies provide an understanding of the institutional framework that structured the social rhetoric surrounding sexuality and abortion in Canada. Social movements of the 1960s and 1970s influenced other scholars. By the 1980s an increased focus on race and colonialism entered into the Canadian discussion of criminalization and the law.

Criminologist Carol LaPrairie's "Native Women and Crime in Canada: A Theoretical Model" brought awareness to a few of the impacts of colonial discourse on Canadian society, and the justice system on Indigenous communities, and Indigenous women.¹⁷ While LaPrairie focused on contemporary issues, she used historical analysis to explain the colonial roots of modern patterns of legal regulation on Indigenous women. Her analysis looks at Indigenous women as one homogenous group and fails to explore the many ways in which Indigenous women expressed agency, but she makes an essential step toward including the experience of Indigenous women in the history of criminal justice. By addressing the topic of European cultural values and the paternal structure of Canadian society, LaPrairie effectively demonstrated the devastating impact this had on Indigenous families.¹⁸ She revealed how colonialism weaponized paternalism and became an important discussion point in the field with several

¹⁶ Constance Backhouse, "Desperate Women and Compassionate Courts: Infanticide in Nineteenth-Century Canada," *The University of Toronto Law Journal* 24 no. 4 (Autumn 1984), 448.

¹⁷ Carol LaPrairie, "Native Women and Crime in Canada: A Theoretical Model," in *Too Few to Count: Canadian Women in Conflict with the Law*, eds. Ellen Adelberg and Claudia Currie, (Vancouver: Press Gang Publishers, 1987), 105.

¹⁸ Carol LaPrairie, "Native Women and Crime," 106-108.

scholars adding other methods to expand understanding the role of paternalism in legal processes.

Historian André Lachance took a statistical approach in “Women and Crime in Canada in the Early Eighteenth Century, 1712-1759” to address the lack of scholarship in women’s criminality in the colony of New France. He began by discussing functions of legal paternalism that grounds any discussion about women and their interactions with the court. Lachance argued that under French colonial law, women had little to no influence outside of the home stating, that “the hegemony of society’s standards belonged to the men. The values and duties of each sex were set by men. It was the prerogative of men to define acceptable social standards and to curb deviant behaviour.”¹⁹ Unlike LaPrairie, Lachance recognized the different experiences of criminal women and argued that the women of New France demonstrated their agency through their crimes. Although Lachance focused on early colonial law, this understanding of the paternal nature of the courts gave insight into the internal mechanics of the judicial system and powers held by the law. Many women’s historians have an implicit understanding that the courts are paternal but do not explicitly detail its structure in the colonial context. Statistical analysis frequently appears in the works of other legal historians, especially in general histories, because it effectively and concretely demonstrates patterns and phenomena in criminal justice. In his short article, Lachance explains the limitations of his study, in particular why he did not explore how intersections of race and class were also regulated by paternalism primarily because of limited statistics and demographic information. All of these early scholars represent the first step in developing the study of criminal and legal history.

¹⁹ Andre Lachance, “Women and Crime in Canada in the Early Eighteenth Century, 1712-1759,” In *Lawful Authority: Readings on the History of Criminal Justice in Canada*, ed. R.C. Macleod (Ontario: Copp Clark Pitman Ltd, 1988), 10.

The early period of research development demonstrates the slow growth of criminal history in Canada. While some scholars came to the study of criminal justice through other fields, like McLaren and LaPrairie, the emergence of scholars like Backhouse and LaChance shows the beginning of a dedicated group of researchers focused on increasing the scholarship surrounding crime in Canada. By the 1990s social historians from various disciplines began writing about subjects related to the judicial system by employing race, class, and gender methodologies.

Unlike the early period, the 1990s saw the influence of intersectionality as a method of study. Two influential social historians, Karen Dubinsky and Franca Iacovetta, utilized that method to explore how the judicial system exposed how intersectional marginalities affected court decisions and public opinion. Their 1991 “Murder, Womanly Virtue, and Motherhood: The Case of Angelina Napolitano, 1911-1922” broke down many intersectional influences surrounding marriage, motherhood, understandings about domestic abuse, racial prejudices, gender, and agency in the sensational murder trial of Angelina Napolitano in 1911.²⁰ By focusing on this one case, Dubinsky and Iacovetta demonstrated how different marginalities could overlap and reinforce harmful class, race, and gender discriminations. The authors did admit the limitations of using a single case study prevented them from addressing the broader societal patterns at work and by focusing on an exceptional individual the shared experience of everyone else become lost in the particulars of that individual’s particular experience.²¹

²⁰ Karen Dubinsky and Franca Iacovetta, “Murder, Womanly Virtue, and Motherhood: The Case of Angelina Napolitano, 1911-1922,” *The Canadian Historical Review* 71, no. 4 (December 1991): 506-507.

²¹ Sigurdur Gylfi Magnusson, “What is Microhistory?” *History New Network*. 2019, <https://historynewsnetwork.org/article/23720>. Microhistory developed in the 1970s as a way to address intersections between social, cultural, and political life of a particular person, location, or object. Microhistory is not an extension of local or regional history rather a case study analysis.

This limited approach can be an effective method of comparing how women of different intersectional marginalities are affected by the law without obscuring broader discussions about the mechanics of criminal discourse. In the 1991 landmark legal history *Petticoats and Prejudice: Women and Law in Nineteenth-Century Canada* Constance Backhouse used several microhistories to demonstrate how dissimilar women are treated differently in the courts as criminals and as professionals. Backhouse intended that this work be recognized as a work dedicated to advocacy but also as detailed analysis of the power dynamics between the courts, criminal women and society as a whole.²² She drew on Marxist theory to highlight how the separation of women into separate classes based on race, and sexual purity, among other concerns, resulted in different experiences in the courts.²³ Her work serves as a general history but is unique because her use of microhistories allows her to explore how general trends affected specific women. Microhistory was a popular method for many Canadian legal historians in the 1980s and 1990s because of how it easily communicated complicated social discourses on small sections of the population, but the approach overlooked more significant trends and made it difficult for new scholars to enter the field because of the patchwork way legal history had developed.

In contrast, macrohistory offered students a chance to develop an overarching understanding of broad movements in legal history and how sweeping social and political forces prompted those trends. Published in the same year as Backhouse's monograph, Owen D. Carrigan's comprehensive overview entitled *Crime and Punishment in Canada, A History*

²² Constance Backhouse, *Petticoats and Prejudice: Women and the Law in Nineteenth-Century Canada*, (Toronto: Women's Press, 1991), 3.

²³ Constance Backhouse, *Petticoats and Prejudice*, 232. Judith Walkowitz explores social and legal discourses surrounding prostitution in England in her works *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London*, Chicago: University of Chicago Press, 1992 and *Prostitution and Victorian Society*, United States: Cambridge University Press, 1980.

provided a general understanding of Canadian law from its earliest roots as a French colony to the 1980s. A broad approach may aid historians in presenting a framework for students and scholars stepping into the study of law, crime, and punishment, but Carrigan failed in providing more in-depth analysis about aspects of race, class, and gender that affect criminality and punishment. In his chapter dealing with female offenders, Carrigan presented a concise overview of the broad trends in women's criminality in Canada, but he failed to question the narratives that produced and propagated these trends through systemic regulations imposed to punish women who did not reflect paternal values.²⁴ Carrigan's treatment of all female offenders as a homogenous group cut short any meaningful discussion about intersectionality in Canadian law.

Additionally, Carrigan's monograph addresses criminality broadly across the whole country, only examining the difference between French and English courts. The deficiencies in Carrigan's monograph point to the problem scholars face when writing general histories. Regional history shrinks the area of study without becoming microhistory and allows historians to examine criminality and the law in these regions with more depth than what macrohistories can develop.

Maritime legal historian Jim Phillips has made many contributions to the field including co-editing four volumes for the Osgoode Society. His experience as a former law clerk to Madam Justice Wilson of the Canadian Supreme Court gave him the practical experience to add to his scholarly work. This experience presents itself in his article "Women, Crime, and Criminal Justice in Early Halifax, 1750-1800," where he examines the law in Halifax and how it impacted

²⁴ Owen D. Carrigan, *Crime and Punishment in Canada, A History*, (Ontario: McClelland and Stewart, 1991), 245.

criminal women.²⁵ On the surface, patterns of women's criminalization in Halifax fell in line with trends in other cities, but upon closer inspection Phillips contextualized slight deviances, like capital punishment and the city's military structure, to reveal a historical phenomenon that did not occur anywhere else in British North America at that time.²⁶ This article lays within the scope of a developing body of literature invested in breaking apart the narrative of a 'national' history to address regional systems of power. While regional histories do provide those limits, they can also create artificial boundaries and differences between regions where none may exist. Different approaches scholars have taken to dissecting national narratives addressed the question of nationalism and its impact on the law directly by studying how the Dominion of Canada transitioned from colony to nation.

Criminologist Carolyn Strange and historian Tina Loo explored how the development of the Canadian Dominion influence criminality in *Making Good: Law and Moral Regulation in Canada, 1897-1939*.²⁷ The new nation sought to do this by establishing a strong central government that "rested on the traditional family and the ideology of the separate spheres for men and women," and preventing equal access of non-British populations from taking part in the developing economy of the Dominion.²⁸ Both authors focused on the legal discourse of the Dominion as it attempted to create itself as a 'moral' nation by creating laws that set limits on what, and more importantly who, the government considered moral.²⁹ Tina Loo's influence as a historian of Indigenous people, the law in British Columbia, environmental history, and as an

²⁵ Jim Phillips, "Women, Crime and Criminal Justice in Early Halifax, 1750-1800," in *Essays in the History of Canada Volume V: Crime and Criminal Justice*, edited by Jim Phillips, Tina Loo, Susan Lewthwaite, (Toronto: The Osgoode Society for Canadian Legal History, 1994), 174-176.

²⁶ Jim Phillips, "Women, Crime and Criminal Justice," 176-178.

²⁷ Carolyn Strange and Tina Loo, *Making Good: Law and Moral Regulation in Canada, 1897-1939*. (Toronto: University of Toronto Press: 1997), 9.

²⁸ Carolyn Strange and Tina Loo, *Making Good*, 9-17.

²⁹ Carolyn Strange and Tina Loo, *Making Good*, 6.

activist brought in an understanding of how nation-building in Canadian history designated certain groups as amoral and requiring additional criminalization.³⁰ Strange and Loo's focus on the effects of criminal law on Indigenous peoples picks up on the work of Carol LaPrairie, and draws on the increasing interest in colonial and post-colonial studies throughout the 1990s and into the 2000s with scholars like Joan Sangster and Sarah Carter continuing to study colonialism, criminal law, and Indigenous women.³¹ While colonialism has had an essential impact on the study of criminal justice history, the introduction of poststructuralism brought increased attention to the field and has become widely incorporated.³²

Joan Sangster began her career as a labour historian before moving into criminal justice. She primarily used Marxist theory in her early work, then incorporating it with poststructural theory. Sangster's "Girls in Conflict with the Law: Exploring the Construction of Female 'Delinquency' in Ontario, 1940-1960"³³ used "materialist, feminist and poststructuralist streams of thought, and in particular, the prevailing influence of Foucauldian explications of crime and punishment"³⁴ to explore juvenile crime. She argued that a materialist approach combined with Foucauldian theory avoided "slipping into infinite deconstructions of criminality" and instead

³⁰ Tina Loo's 1992 article "Dan Cranmer's Potlatch as Coercion, Symbol, and Rhetoric in British Columbia, 1884-1951" *The Canadian Historical Review* 73, no. 2 (1992): 125-165, demonstrates how the Canadian government sought to stop an Indigenous cultural practice that did not adhere to a paternal capitalist system of property management.

³¹ Joan Sangster, "Criminalizing the Colonized: Ontario Native Women Confront the Criminal Justice System, 1920-1960," in *Through Feminist Eyes*, ed. Joan Sangster, (Edmonton: AU Press, 2011), 239-240. Sarah Carter, *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915*, (Edmonton: AU Press, 2008).

³² Joan Sangster, "Girls in Conflict with the Law: Exploring the Construction of Female 'Delinquency' in Ontario, 1940-1960," in *Through Feminist Eyes*, ed. Joan Sangster, (Edmonton: AU Press, 2011), 252.

³³ Sangster expands on these ideas fully in her monograph *Girl Trouble: Female Delinquency in English Canada*,

Toronto: Between the Lines, 2002.

³⁴ Joan Sangster, "Girls in Conflict with the Law," 252.

focused on the “oppressive social relations that sustain crime, delinquency, and marginality.”³⁵ The focus on materialism allowed her to ground her study in the historical “social life and capitalist social relations” of the time while utilizing poststructuralism to “[illuminate] the discursive creation of the category of delinquency.”³⁶ Sangster directly influenced other scholars to apply similar methods in other regions in Canada.³⁷

Historian Tamara Myers has worked closely with Sangster co-authoring an article,³⁸ but in *Caught: Montreal's Modern Girls and the Law, 1869-1945* Myers focused less on the class aspect of juvenile delinquency in favour of exploring the distinctly gendered nature of juvenile justice and leaned heavily on Foucauldian analysis.³⁹ Myers details how maternal feminists affected the expansion of paternal surveillance networks to a broader system akin to Foucault's understanding of the panopticon.⁴⁰ Women's scholars like Mariana Valverde and Alana Barton have made extensive usage of Foucauldian theory to develop comprehensive understandings of discourses on women and the law, especially in regards to the twentieth century.⁴¹ With more scholars entering legal history, the corpus has begun to spread out incorporating more regional histories and utilizing current methodologies such as masculinities.

³⁵ Joan Sangster, “Girls in Conflict with the Law,” 253.

³⁶ Joan Sangster, “Girls in Conflict with the Law,” 253.

³⁷ Joan Sangster, *Regulating Girls and Women: Sexuality, Family, and the Law in Ontario, 1920-1960*, (Canada: Oxford University Press, 2001), 3.

³⁸ Myers, Tamara and Joan Sangster. “Retorts, Runaways, and Riots: Patterns of Resistance in Canadian Reform Schools for Girls, 1930-1960.” *Journal of Social History* (Spring 2001): 669-697.

³⁹ Tamara Myers, *Caught: Montreal's Modern Girls and the Law, 1869-1945*, (Toronto: University of Toronto Press, 2006), 7.

⁴⁰ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan, (New York, Vintage Books, 1995), 195.

⁴¹ Mariana Valverde, *The Age of Light, Soap & Water: Moral Reform in English Canada, 1885-1925*, Toronto: University of Toronto Press, (2008). Allana Barton, “A Woman's Place: Uncovering Maternalistic Forms of Governance in the 19th Century Reformatory,” *Family & Community History* 14, no. 2 (October 2011): 89-104. Foucauldian analysis and poststructuralism have also been used to understand colonial systems of punishment, which used physical violence to exert authority. Peter Moogk's, “The Liturgy of Humiliation, Pain, and death: The Execution of Criminals in New France,” *The Canadian Historical Review* 88, no. 1(2007): 89-112 looks at how New France used violence and examines how the colony began to transition to use non-violent punishment.

Lesley Erickson's 2011 monograph explored the role of nation-building narratives, and imperialism, and focused on regional criminal discourses of prairie Canada, but she also included masculinity as an additional lens for studying women and the law.⁴² By using masculinity as a structure of analysis, Erickson developed a solid understanding of the role and characterization of women in Western society. She juxtaposed feminine gender norms against masculine gender norms.⁴³ Erickson demonstrated how this ideology manipulated and controlled colonized women to promote 'Canadian' identity. In addition to her focus on gender characterizations, Erickson focused heavily on colonial discourses used in the prairies to encourage white settlement and racial segregation of the Indigenous populations. The discourses operated in a similar function to hyper-masculinity in gender regulation by dictating the desired image of the populace by policing those who did not fit. Erickson's work represents the forward momentum of the field, all of the gaps still left to fill in, new methodologies developing, and the potential of the field of criminal justice history.

The extant literature provides a wealth of insight and is suggestive of many fruitful lines of inquiry. Jim Phillips' work on the Maritimes and Lesley Erickson's in the prairies aside, the central Canadian focus of the corpus is also a cause for pause, for not all the populous centres in Canada developed in the same way as these hubs. Indeed, as a settler state based on mass migration, we should expect quite different dynamics than those exemplified in large eastern industrial settings.

⁴² Erickson, Lesley. *Westward Bound: Sex Violence, The Law and the Making of a Settler Society*. Vancouver: UBC Press (2011), 11-13.

⁴³ Joan Scott's 1986 article "Gender: A Useful Category of Analysis" *The American Historical Review* Vol 91, No 5 (Dec 1986) pp 1053-1075 explores the importance of widening the analytical scoop away from women in particular to address the larger discourses found in the relationship between men and women. Sociologist Michael Kimmel in his work *Manhood in America: A Cultural History*, US: The Free Press, 1996 further argues that masculinity and men have, despite being the main topic of most historical studies, lacked in meaningful scholarship into constructions of masculinity throughout history and how those constructions have impacted not only women but men as well.

My research contributes to the field of criminal justice history by focusing on female offenders in the Alberta court system, primarily from the Edmonton Supreme Court District and surrounding areas in central Alberta, between 1892 and 1920. It does so by examining how competing social and political actors manipulated the criminalization of particular women from a range of class and racial demographics in Alberta to promote specific ideological identities over the region and shape the cultural development of the province. Additionally, the research explores how different Albertans interpreted, adopted, and rejected changing social narratives about race, class and gender, along with the responses of the female offenders as they navigated the criminal justice system.

The period represents an era of significant transition in the history of Alberta as the Dominion government finally succeeded in enacting an effective immigration strategy designed to draw settlers to the North-West Territory and encourage the transition of the Territory to a province.⁴⁴ Furthermore, the period also encompassed the enactment of the Criminal Code of Canada, World War I, along with the social and political upheaval of mass immigration, industrialization, urbanization, temperance, moral reform, and the suffrage movement. All presented challenges to social and cultural framework of the region. I examine criminal case files which included the names of women as the offender from district courts and the Supreme Court of Alberta, with a particular focus on cases from Edmonton and Northern Alberta. I have identified 701 cases fitting these criteria.⁴⁵ A selection of cases are highlighted for in-depth examination and to provide a snapshot into the experiences of women, the law, and Albertan

⁴⁴ David Hall, "Clifford Sifton's Vision of the Prairie West," in *The Prairie West as Promised Land*, edited by R. Douglas Francis and Chris Kitzan, (Canada: University of Calgary Press, 2007), 77.

⁴⁵ I may have missed some cases as the name associated with the file may not have suggested a woman was involved, or if the cases fell outside of the regional limits. It is also important to point out that not all cases may have been preserved or catalogued in the legal archives of the Provincial Archives of Alberta.

society.⁴⁶ The cases that are directly discussed are either representative of the experiences of many criminal women or offered enough documentation to engage with and develop a broader discussion.⁴⁷ While these sources offer much insight there is a wide range of other possible sources, including cases committed by male offenders, prison documentation, biographies of judges, and criminal statistics which would paint a greater portrait of the situation. Despite the vital importance of these sources, they are beyond the scope of this study. However, the choice of these parameters is not arbitrary and has been made to be better able to understand and explore the factors at play in an organization as complex as the criminal justice system, especially when discourses of race, class, and gender are examined. In addition to the archival research, a keyword database search of Peel's Prairie Provinces, an online database of newspapers in the North-West Territory/Alberta was undertaken to gain a greater understanding of how the public discourse surrounding crime and criminality were presented to and by the general public. Not all newspapers are digitized in their entirety in this database, which limits the scope of this survey. Despite these shortcomings, Peel's Prairie Provinces provides an extended insight into Albertan society.

This examination looks at three periods of development between 1892 and 1920. The first looks at the years leading up to the establishment of Alberta in 1905. During the final years of the frontier the legacy of remaining uncolonized can be seen as well as the initial stages of the Dominion's plan to establish a settler colony. From 1905 to 1914 the second period explores how

⁴⁶This method had been utilized by scholars like Lesley Erickson *Westward Bound: Sex Violence, The Law and the Making of a Settler Society*. Vancouver: UBC Press (2011) and Constance Backhouse *Petticoats and Prejudice: Women and the Law in Nineteenth-Century Canada*. Toronto: Women's Press, 1991. who examined cases of violence that involved women.

⁴⁷ In addition to the archival research a keyword database search of Peel's Prairie Provinces, an online database of Alberta's newspapers, was undertaken to gain a greater understanding of public discourse surrounding crime and criminality in Alberta and public interest in criminal cases.

the development of Alberta as a province changed the cultural, social, and political discourse of the region and began to shift the narrative of the region away from that of a frontier to a province of Canada. Lastly, the period lasting from 1915 to 1920 addressed the social and political effects of World War One and how these changes made the final push toward finishing the goal of creating the west as an extension of the Dominion. Over the course of these nineteen years the upper-class in Alberta used their authority to transform the cultural discourse surrounding race, class, and gender in the frontier through a process of criminalization that enforced the Dominion's social standards in the western frontier, drawing Alberta in line with national narratives.

Chapter 2: A Brief History of Alberta

This chapter presents an overview of the social, economic, and political history of what is now Alberta in the late Victorian and early Edwardian period and provides an understanding of the conditions that criminalized women and the legal system in this region. To some extent, the geographic parameters of the ensuing discussion vary, reflecting the changing administrative and political organization of western Canada. Before the signing of the British North America Act, western Canada stood by-and-large as an independent region. Limited development in the area reflected England and France's disinterest.¹ The Hudson's Bay Company (HBC) and North-West Company (NWC) had control over the Territory and supported a separate judicial system that self-regulated the French and English men under its employ. Trading forts dotted the landscape along major trading routes and supported the sparse population of Europeans in the North, while in the South settlements developed along bootlegging and trade routes with a few farming homesteads scattered in between. The roughly 17,593 Europeans and 9,000 Indigenous and Metis persons² who lived in the region in 1867 had a tense co-existence. While skirmishes between the two groups did occur, survival mandated maintenance of at least a functional trading relationship. European diseases, forced starvation, and dislocation affected Indigenous populations as increasing numbers of European settlers continued to encroach westward and forced entire communities to more remote areas.³ A few members of the HBC and NWC would integrate into these Indigenous communities, eventually forming the Metis and face the same racial discrimination as Indigenous people because they increased competition in an already

¹ Gerald Friesen, *The Canadian Prairies*, (Toronto: University of Toronto Press, 1987), 53.

² James G. MacGregor, *A History of Alberta*, (Canada: Hurtig Publishers, 1972), 149.

³ James Daschuk, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life*, (Canada, University of Regina Press, 2013), 19.

competitive market and occupied what Europeans increasingly saw as their land.⁴ European settlers began to develop a distinctive collective self-definition that was tied to the frontier and created a 'regionalist' identity that blended European roots with the agrarian and fur trade culture of the region.⁵ In the absence of a traditional European paternal hierarchy, residents of the region cultivated their unique social structure specific to frontier life.

Historian Adele Perry has provided an instructive case study of the evolution of frontier society of British Columbia. She argued that without women and class, men in the frontier had to develop a social hierarchy that allowed them to occupy roles that society traditionally designated as female by redefining masculine gender norms; she called this a 'homosocial' society.⁶ Her assessment applies to the context of Alberta as well. A homosocial frontier community grew from "everyday social relationships located in male households, friendships, and sexuality, and practices like labour, drinking, gambling, violence, and ideologies of racial solidarity and exclusion."⁷ Violent clashes between men in this region became a defining characteristic as violence emerged as the primary way in which disputes between men could be settled, and served to implement some form of frontier justice and social hierarchy.⁸ In Europe and Old Canada⁹ class and gender difference served this purpose through patriarchal social hierarchies, but in Alberta, a more egalitarian social system developed the likes of which as Perry pointed out

⁴ Gerald Friesen, *The Canadian Prairies*, 70.

⁵ Bradford James Rennie, *The Rise of Agrarian Democracy: The United Farmers and Farm Women of Alberta, 1909-1921*, (Canada: University of Toronto Press, 2000), 10.

⁶ Adele Perry, *On the Edge of Empire: Gender, Race, and the Making of British Columbia, 1849-1871*, (Canada: University of Toronto Press, 2001), 21.

⁷ Adele Perry, *On the Edge of Empire*, 21.

⁸ Adele Perry, *On the Edge of Empire*, 44.

⁹ These colonies included Ontario, Quebec, New Brunswick, Nova Scotia, and Prince Edward Island, the most densely settled parts of British North America and the earliest Provinces to enter into Confederation.

was evident in masculine attitude toward domestic labour.¹⁰ In response to the absence of women, men viewed domestic labour not as women's work but as a necessity for existence further undermining traditional masculine gender norms. The Victorian era idolized an image of hyper-masculinity by promoting British superiority, paternal hierarchies, and masculine independence. Men were the primary and most capable promoters of the British Empire, but in the frontier, an egalitarian mindset helped to ensure survival. While men in the frontier still reflected a few of the same hyper-masculine attributes, mostly about racial superiority, a fraternal community replaced the fierce individualism of Victorian masculinity. Not only did social understandings of masculinity change during this time, but for the few European women who lived in the frontier, small significant shifts in gender norms would have a massive impact in later years.

History often forgets frontierswomen in the course of the North-West Territory's development. Despite being few in number the role women played in the frontier helped to develop this rural society into one that viewed equality between European men and women more favourably. As Sarah Carter has illustrated, Indigenous women made up the largest demographic of women in the region, and they were integral members of their communities.¹¹ In the eyes of many European men, racist constructions and negative stereotypes cast Indigenous women as undesirables, unsuited to traditional British institutions of marriage and family. Europeans viewed Indigenous women as 'shared' or 'public' women akin to prostitutes whose use expired after casual sex.¹² Even with the growth of Metis communities, Indigenous women still faced

¹⁰ Adele Perry, *On the Edge of Empire*, 21.

¹¹ Sarah Carter, *Capturing Women: The Manipulation of Cultural Imagery in Canada's Prairie West*, (Canada: McGill-Queen's University Press, 1997), 5.

¹² Adele Perry, *On the Edge of Empire*, 51.

disdain because European society saw them as a source of shame for the European men who married them.

Conversely, European women who worked as prostitutes in the region faced less social stigma in the frontier than they did in Old Canada or Europe. Prostitution served an essential function in a male-dominated society. Settlements with brothels or red-light districts had fewer instances of violence than areas without because they provided a place for leisure and an outlet for tensions in a more peaceful setting.¹³ While prostitutes had a low social standing in frontier society, they avoided the stigma of being a 'social evil' like they were in many other parts of the British Empire. Married women made up the smallest demographic of women in the frontier. Literary depictions of these women constructed narratives of frontier women as passive companions in the adventures of their male partners.¹⁴ In truth, frontierswomen actively developed the frontier by taking on their fair share of the day-to-day labour of homesteads and owning businesses. While frontier men required their wives to uphold traditional female domestic and familial duties, their husbands recognized that women shared equally in the burdens of frontier life.¹⁵ Both men and women of the frontier agreed that traditional female roles did not prevent women from taking on greater social, political, and economic responsibilities. Adaptations that European men and women made as a frontier society served to develop a collective identity in the largely agrarian communities.

¹³ S.W. Horrall, "The (Royal) North-West Mounted Police and Prostitution on the Canadian Prairies," in *Immigration and Settlement 1870-1939*, ed. Gregory P. Marchildon, (Altona: Canadian Plains Research Center, 2009), 131.

¹⁴ Carol Fairbanks, *Prairie Women: Images in American and Canadian Fiction*, (United States: Yale University Press, 1986), 77-82.

¹⁵ Ellaine Leslau Silverman, "Women and the Victorian Work Ethic on the Alberta Frontier: Prescription and Description," in *Immigration and Settlement 1870-1939*, ed. Gregory P. Marchildon, (Altona: Canadian Plains Research Center, 2009), 94.

The colonies of Old Canada developed with the help of a European administration, creating a social consciousness more closely related to Europe because of the prolonged influence of England, and France in the case of Quebec. Some earlier Canadian historians such as J. W. McEwan have argued that the absence of that structure in the Territory allowed the first European residents to nurture a collective identity and ‘indigenize’ to the region they called home.¹⁶ More contemporary scholars such as Perry more accurately suggest that men and women of the frontier had to adapt their traditional values to match the necessities of their reality. They still saw themselves as ancestrally European, but also distinctly their own people. By 1869 the region’s economic potential had become a focal point for central Canadian businessmen, and in 1870 the Dominion purchased the North-West Territory from the HBC and treated the region as a colony of the Dominion.¹⁷ Dominion politicians and businessmen looked to capitalize on the untapped economic potential of the region and stop the expansion of the United States. Economic gain became a driving force behind the push to extend British influence westward. Trade and early settlement in the region revealed lands with large deposits of resources like coal and lumber, immense agricultural potential, and the 1883 discovery of natural gas near Medicine Hat accelerated plans to industrialize the west.¹⁸

Minister of the Interior Sir Clifford Sifton¹⁹ was one of the primary driving forces behind the Dominion’s successful push to settle the western frontier.²⁰ He initially envisioned the west as the frontier of British settlement and a way to expand the boundaries of central Canadian

¹⁶ Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview*, (New York: Palgrave Macmillan, 2010), 21.

¹⁷ J.W. Grant MacEwan, *A Short History of Western Canada*, 32.

¹⁸ James G. MacGregor, *A History of Alberta*, 150.

¹⁹ Served as Minister of the Interior from 1896-1905.

²⁰ David Hall, “Clifford Sifton’s Vision of the Prairie West,” in *The Prairie West as Promised Land*, eds. R. Douglas Francis and Chris Kitzan, (Canada: University of Calgary Press, 2007), 77.

business and influence.²¹ Sifton wanted to nurture an agricultural population that resided under the political oversight and guidance of Ottawa.²² The successful completion of the railroad and establishment of a government paramilitary police force in 1873 laid the groundwork for Sifton to enact his frontier policies effectively. The Riel Rebellion (1869-71) inspired the creation of the North-West Territory and the North-West Mounted Police (RNWMP)²³ and quickly became the Dominion's strong arm in the west.²⁴ The RNWMP moved westward suppressing Indigenous populations, crushing rebellions, setting up forts, and paving the way for the Dominion government to begin the process of 'settler colonization,' a process that included the establishment of a new system of law.²⁵ The arrival of the RNWMP disproportionately affected Indigenous populations as the police force isolated, starved, and violently disrupted Indigenous life effectively ending tenuous relationships between settled Europeans and Indigenous peoples in favour of assimilating them into white society.²⁶ The RNWMP garnered a reputation for heroism fostering mythic stories that would transform these lawmen into larger than life characters that perfectly embodied the ideal British man.²⁷ Sifton used these masculine portrayals as the focus of his marketing campaign to draw settlers westward.²⁸ For the original settlers in the prairies, the heroics of the RNWMP barely registered in their day-to-day lives but signalled waves of changes to frontier society.²⁹

²¹ David Hall, "Clifford Sifton's Vision," 78-79.

²² David Hall, "Clifford Sifton's Vision," 80-81,

²³ The North-West Mounted Police were awarded the prefix of 'royal' in 1904.

²⁴ J.W. Grant MacEwan, *A Short History of Western Canada*, 82-83.

²⁵ Lorenzo Veracini, *Settler Colonialism*, 26.

²⁶ D.J. Hall, "Clifford Sifton and Canadian Indian Administration, 1896-1905," in *Immigration and Settlement, 1870-1939*, ed. Gregory P. Marchildon, (Altona: Canadian Plains Research Center, 2009), 184.

²⁷ Carl Betke, "Pioneers and Police on the Canadian Prairies, 1885-1914," in *The Mounted Police and Prairie Society, 1873-1919*, ed. William M. Baker, (Winnipeg: Canadian Plains Research Center, 1998), 209.

²⁸ David Hall, "Clifford Sifton's Vision," 87.

²⁹ Carl Betke, "Pioneers and Police," 210.

As tales of the RNWMP became national symbols in Old Canada, long-time settlers of the North-West Territory saw the encroaching influence of the Dominion as a threat to their frontier lifestyle and independent society. Rural settlers had concerns that the influx of Old Canada's influence would impact their ability to control their resources, protect their homes, and keep their culture intact. Increasing numbers of immigrants to the region became a point of concern for both the original settlers in the region and politicians in Ottawa. Ottawa wanted to see the majority of immigrants came from English, French, German or Scandinavian stock.³⁰ Hugh John Macdonald³¹ argued that "he did not want to have a mongrel breed in this portion of Canada. He did not want Slavs introduced among us, whether from Austria, Poland, or Russia, men who are practically serfs and slaves. He wanted white men..."³² Original settlers in the Territory also had concerns over the influx of urban British settlers, who more closely shared the culture and attitudes of the Dominion government. For early Albertans, those characteristics and dispositions were unappealing because they tended to see themselves as separate from, and to some extent embroiled in antagonistic relations with Ottawa, particularly over which level of government would control the resource wealth of the interior of the country.³³ Sifton had little intention of relinquishing Ottawa's control over the land and resources of the frontier to the settlers, and in turn, the settlers resented the unrestricted flow of profits out of the Territory into the pockets of central Canadian businessmen.³⁴ In 1880 Edmontonian Frank Oliver established the *Edmonton Bulletin*, a newspaper that boosted the Liberal party, gave voice to the concerns of rural settlers and allowed them to organize and express discontent about the incoming changes.

³⁰ These ethnic groups were thought to be culturally and ethnically similar enough that they could integrate into Canadian culture.

³¹ Son of former Prime Minister Sir John A. Macdonald, Conservative Member of Parliament, and one-time premier of Manitoba.

³² Quoted in David Hall, "Clifford Sifton's Vision," 92.

³³ David Hall, "Clifford Sifton's Vision," 92.

³⁴ David Hall, "Clifford Sifton's Vision," 89.

Farmers' organizations proliferated in the late 1800s. Groups like the Patrons of Industry, the Society of Equity, the Territorial Grain Growers Association and the Alberta Farmers' Association started organizing rural European settlers into farm-labour alliances that would ultimately become the United Farmers of Alberta in 1909 (UFA) and its auxiliary group the United Farm Women of Alberta in 1915 (UFWA).³⁵ Early leaders in the agrarian movement included men like Frank Oliver, J.J. Gregory, and Rice Shepard, all of whom had critical roles to play in the movement. Frank Oliver, originally from Ontario, moved to Edmonton in 1876 drawn by the promise of the Canadian Pacific Railway. To his dismay, plans to build the railway through Edmonton changed in favour of running the rail through Calgary.³⁶ The decision threatened his newspaper and prompted his political ambitions and support for the Patrons of Industry. Oliver felt disenfranchised by Ottawa's control over the region and sympathized with the original settlers who did not have access to the same financial support that Sifton's new settlers received. He advocated for limiting corporate power and monopolies by eastern businesses so that rural settlers could enjoy the wealth that the region had to offer.³⁷ Oliver became Edmonton District's first elected Member of the Legislative Assembly of the North-West Territories and later elected Member of Parliament for the District of Alberta.³⁸ His brand of populist prairie politics focused on removing as much of Ottawa's influence over the Territory as possible and on weakening the corporate stranglehold over agricultural markets.³⁹ The Patrons of Industry were an American import, the ideology of which centred on the belief that political

³⁵ Bradford James Rennie, *The Rise of Agrarian Democracy*, 13.

³⁶ David J. Hall, "Frank Oliver," *Dictionary of Canadian Biography*, 2018, http://www.biographi.ca/en/bio/oliver_frank_16E.html.

³⁷ Bradford James Rennie, *The Rise of Agrarian Democracy*, 17.

³⁸ David J. Hall, "Frank Oliver," *Dictionary of Canadian Biography*, 2018, http://www.biographi.ca/en/bio/oliver_frank_16E.html.

³⁹ David J. Hall, "Frank Oliver," *Dictionary of Canadian Biography*, 2018, http://www.biographi.ca/en/bio/oliver_frank_16E.html.

oppression was the sole cause of economic strife among the producer classes like farmers and factory workers. The Patrons of Industry found fertile ground because local farmers believed that their labour was being exploited by the wealthy, and farmers wanted their fair share of the profits.⁴⁰ With the support of Frank Oliver, the Patrons of Industry were able to establish a collectivist, co-operative grassroots social organization among rural settlers in the Territory.⁴¹

Another early influence on the agrarian movement included J.J. ‘the Colonel’ Gregory, leader of the ill-fated Farmer’s Alliance of Lacombe. Gregory’s organization wanted rural communities to organize along Rochdale principles which emphasized co-operative living, gender equality, and a class-free social structure in the community. He wanted communities in the North-West Territories to be democratic and self-sufficient with the members in control of their products and profits.⁴² Most importantly for Gregory, the Farmer’s Alliance needed to encourage farmers to take political action against corrupt practices of the agricultural industry; including monopolies held by railroads, and unfair commodity pricing.⁴³ The Farmer’s Alliance failed after a year, but the platform Gregory crafted resonated with farmers and encouraged continued political and social organization among rural settlers. Another leader at the beginning of the agrarian movement was Rice Shepard, a prosperous farmer, who reflected the more extreme embodiment of the agrarian movement. As the leader of the Grain Growers Association, the Alberta Farmers Association, and later the UFA, Shepard introduced independent politics to the movement and claimed that having grain dealers from outside the Territory was an affront to

⁴⁰ Bradford James Rennie, *The Rise of Agrarian Democracy*, 15.

⁴¹ Bradford James Rennie, *The Rise of Agrarian Democracy*, 16.

⁴² Co-operative Heritage Trust, “The Rochdale Principle,” Rochdale Pioneers Museum and National Co-operative Archive, 2018, <https://www.rochdalepioneersmuseum.coop/about-us/the-rochdale-principles/>.

⁴³ Bradford James Rennie, *The Rise of Agrarian Democracy*, 21.

the masculinity of farmers.⁴⁴ Sheppard's vocal influence served to nurture the desire for settlers to seek independent status in the hopes of gaining control over their agricultural resources and profits.⁴⁵ The UFA officially became the primary organization of the agrarian movement in 1909 under Sheppard, and in the 1920s the agrarian movement became a successful political party under the leadership of Henry Wise Wood.

Women of the agrarian movement organized conventions, annual picnics, and spiritual services which helped to develop an extensive community network that connected farming settlements across the province.⁴⁶ These massive public ventures bridged political, economic, social, and religious divides between members. Any rural farmer, or agricultural producer, or provider could attend events hosted by the UFA and request aid or services from the UFA which often led to recruitment and membership. Farm women played a different role in rural communities than their urban counterparts did not. Urban women ascribed to the Victorian belief that women's leisure was a status symbol for the middle and upper-class by symbolically demonstrating the wealth of the family.⁴⁷ Rural women, on the other hand, took on roles like that of farmhands, doctors, nurses, gardeners, teachers, and even worked the fields.⁴⁸ Physical labour by rural women served two purposes: the most practical reason being that extra help was needed to keep farms running, and the other was to stave off the boredom and feeling of isolation that caused many to become depressed in rural areas.⁴⁹ Women's labour shifted rural perceptions about gender and allowed women to take on influential roles in the movement. Farm women

⁴⁴ Bradford James Rennie, *The Rise of Agrarian Democracy*, 22.

⁴⁵ Bradford James Rennie, *The Rise of Agrarian Democracy*, 22.

⁴⁶ Tom Monto, *United Farmers of Alberta- A Movement, A Government*, (Edmonton: Craig Publishing, 1989), 7-8.

⁴⁷ Eliane Leslau Silverman, "Women and the Victorian Work Ethic on the Alberta Frontier: Prescription and Description," in *The New Provinces: Alberta and Saskatchewan, 1905-1980*, eds. Howard Palmer, and Donald Smith, (Canada: G.A. Roedde Ltd, 1980), 91.

⁴⁸ Bradford James Rennie, *The Rise of Agrarian Democracy*, 78.

⁴⁹ Eliane Leslau Silverman, "Women and the Victorian Work Ethic," 95.

from the outset of these agrarian organizations established community-based economies that encouraged community members to turn to each other in times of need. Local networks of medical care, disaster relief, and subsistence support encouraged communal morality requiring women and men to work together as equals in the movement. Women of the UFA became critical political figures garnering as much influence as the men. Influential women like Irene Parlby would start their activist and political careers in the UFWA. Parlby became the first president of the UFWA and helped to forward the platform of the UFA while also advocating for maternal feminist ideologies and pushing for gender equality.⁵⁰ Underscoring the development of both the UFA and the UFWA was a festering vein of anti-Ottawa sentiment.⁵¹ As the Dominion forced changes to immigration, rural settlers had to decide how they would respond to a fluctuating ethnic makeup in the region.

Clifford Sifton's immigration policy focused on drawing agricultural immigrants from white British nations, which satisfied central Canada's desire to keep Canada a British nation.⁵² The West had a relatively sparse population offering the opportunity to mould an imperial paradise in the frontier for the British race. Large numbers of migrants from Ontario, the United States, and England flowed into the region, especially after the completion of the Canada Pacific Railway in 1886. The influx of British immigrants brought significant economic and social changes to the Territory. Towns and villages along the railway saw steady population growth. Calgary went from a small hamlet to a bustling town of 3,879 people in 1891. Edmonton, not yet connected by rail, saw limited growth and by 1891 the village only had 700 residents.⁵³ With the railway passing through Calgary the surrounding region saw villages and towns made up of

⁵⁰ Bradford James Rennie, *The Rise of Agrarian Democracy*, 116-117.

⁵¹ Bradford James Rennie, *The Rise of Agrarian Democracy*, 38.

⁵² David Hall, "Clifford Sifton's Vision," 91.

⁵³ James G. MacGregor, *A History of Alberta*, 149.

English immigrants spring up overnight. These arrivals had priority over all other immigrant groups and rural settlers.⁵⁴ British immigrants had prime agricultural land and urban spaces reserved, which caused the middle-class to become Anglo overwhelmingly, especially in urban centers. The urban Anglo community quickly became the Dominion's voice in the region and eventually advocated for central Canadian social, political, and economic policies. In rural regions, British immigrants brought with them cattle, sheep, and horses, changing the area from farmland to grazing pastures. Disputes between farmers and ranchers arose over how to distribute and use the land. Range animals caused destruction to farmland while farmsteads limited the range that ranchers could roam their livestock. Furthermore, English, Irish, and Scottish arrivals brought their socio-cultural baggage with them, including religious, racial, and class discriminations that before their arrival rarely caused problems.⁵⁵ Settlers saw British immigrants as lazy, ignorant, and self-important, especially because many British immigrants did not stay in the region long before moving back to Britain, or relocating to central Canada or the United States.⁵⁶

American migration, in contrast, had a long history in the Territory with many settlers from the Republic to the south arriving via whiskey and fur trade routes passing through towns like Lethbridge, where many Americans started farms or businesses of their own. Under Sifton American immigrants were the most ubiquitously accepted immigrant group. Sifton and others in the Dominion government saw Americans as racial kin, even if estranged and they believed that they would ultimately accept and strengthen British integrity of the prairie, while settlers thought

⁵⁴ Howard Palmer, *Land of the Second Chance: A History of Ethnic Groups in Southern Alberta*, (Lethbridge: The Lethbridge Herald, 1972), 227.

⁵⁵ Howard Palmer, *Land of the Second Chance*, 209.

⁵⁶ Howard Palmer, *Land of the Second Chance*, 210.

Americans were from a similar rural agricultural class.⁵⁷ Populist American rhetoric and organizations like the Patrons of Industry were brought to the Prairies by American immigrants and resonated with rural settlers frustrated by the influence of British immigrants.⁵⁸ Other immigrant groups included the Czechs, Slavs, Polish, Hungarians, Lithuanians, Serbs, Romanians, Bulgarians, Slovenes, and Italians who began arriving in Alberta as early as 1884 and worked primarily as coal miners and farmers.⁵⁹ Scandinavian and Dutch immigrants started to filter into Alberta in 1892, predominantly settling in rural communities and integrated themselves into the rural settler community.⁶⁰ Two of the largest ethnic groups moving to Alberta originated from the Ukraine and Germany. Ukrainians flooded into the prairies, and by 1903 an estimated 16,000 Ukrainians lived in the Territory.⁶¹ The size of Ukrainian communities prompted social organizations like the YMCA, the National Council of Women, and the Big Brother and Big Sister Organization to begin ‘Canadianizing’ missions to help integrate them⁶² German migration to the prairies started slowly, but by the beginning of the twentieth century, German settlements scattered across the region.⁶³

Two sects of the Anabaptist faith, the Hutterites and Mennonites, are German-speaking religious groups that relocated to Canada to escape persecution in the early 1900s. Their arrival in the North-West Territory caused a surge of racial fear due to the isolationist lifestyle of their faiths.⁶⁴ The Dominion government granted the Hutterites and Mennonites special protections

⁵⁷ Howard Palmer, *Patterns of Prejudice: A History of Nativism in Alberta*, (Canada: McClelland and Stewart, 1982), 25.

⁵⁸ Howard Palmer, *Patterns of Prejudice*, 29.

⁵⁹ Howard Palmer, *Land of the Second Chance*, 31- 195.

⁶⁰ Howard Palmer, *Land of the Second Chance*, 14, 167.

⁶¹ Howard Palmer, *Land of the Second Chance*, 73.

⁶² Howard Palmer, *Land of the Second Chance*, 76.

⁶³ Howard Palmer, *Land of the Second Chance*, 183.

⁶⁴ Howard Palmer, *Land of the Second Chance*, 41, 95.

that allowed them to establish colonies, maintain their Germanic languages, form separate schooling systems, remain exempt from conscription, and stay mostly autonomous from territorial/provincial oversight.⁶⁵ In the 1890s the Doukhobors, a pacifist and communist sect of the Russian Orthodox Church, began arriving fleeing persecution in Russia. Unlike the Hutterites and Mennonites, the Doukhobors relocated to areas surrounding Calgary and Edmonton. Their isolationist tendencies garnered the same anger from the urban community that rural settlers directed toward the Hutterites and Mennonites. Resentment directed toward Hutterites, Mennonites, and Doukhobors reached an all-time high during World War I when their pacifist beliefs came into conflict with the zeitgeist of the time which recognized military service as a civic duty and personal honour.⁶⁶ For Hutterites and Mennonites, this bitterness intensified because of the German influences on their culture and language, which symbolically linked them to the enemy despite having few ties with the German state. The majority of immigrants to the North-West Territory originated from nations where the populations were white Christian nations, but not all immigrants fell into that category.

Asian immigration started as early as the 1850s with Chinese immigration to the North-West Territory and the Japanese arriving in the late 1880s.⁶⁷ While less tension existed between Chinese arrivals and residents in the Territory than in British Columbia, local newspapers repeatedly printed stories about the substantial urban Chinese threat to almost all professions, from fishing to farming, mining to construction, and nearly every business in between.⁶⁸ At times these tensions would bubble over from disgruntled unease into full aggression. In 1892 a series of anti-Chinese riots erupted in Calgary due to rising rates of unemployment among Anglos and

⁶⁵ Howard Palmer, *Land of the Second Chance*, 41, 95.

⁶⁶ Howard Palmer, *Land of the Second Chance*, 202.

⁶⁷ Howard Palmer, *Patterns of Prejudice*, 32-33.

⁶⁸ Howard Palmer, *Land of the Second Chance*, 54.

an outbreak of smallpox in the city.⁶⁹ In contrast, the Japanese were somewhat exempt from such displays of racial rioting in part because Japanese immigrants scattered across the region taking up work on farms and because of an impending trade deal between the Dominion and Japan in 1906. Campaigns against immigration by Chinese, Japanese, and Black people were headed by urban women's groups like the Woman's Christian Temperance Union and Suffragettes like Emily Murphy because of the cultural association between racialized peoples and social immorality.⁷⁰ As the population of the North-West Territory grew steadily, urban and rural settlers increased their calls for the Dominion to award the region provincial status in hopes of gaining control over civic infrastructures, economic policies, and political representation at a federal level.

Alberta came into being as a province on September 1st, 1905 along with Saskatchewan and gained administrative power over institutions like education and the judicial system. Frederick Haultain was one of the elected members of the Legislative Assembly for the Territory who led the push for provincial status.⁷¹ His primary goal was to give settlers control over the region's resources and free the region from the quasi-colonial control the Dominion maintained.⁷² The Dominion kept possession of Alberta's natural resources and their control over the rights to Alberta's land. Despite conceding this point, urban and rural settlers in Alberta celebrated their victory relieved to have more control over the social and political organizations in the province. As Alberta began to establish itself, a significant debate swept the province and divided rural settlers from the urban Anglo business owners over where to put the capital. Urban upper-class British immigrants in Calgary and area wanted to keep the province's seat of power

⁶⁹ Howard Palmer, *Patterns of Prejudice*, 20.

⁷⁰ Howard Palmer, *Patterns of Prejudice*, 82-83.

⁷¹ J.W. Grant MacEwan, *A Short History of Western Canada*, (Canada: McGraw-Hill Company, 1968), 118.

⁷² J.W. Grant MacEwan, *A Short History of Western Canada*, 119.

away from the overwhelmingly rural immigrant population surrounding Edmonton.⁷³ With the support of politicians like Frank Oliver and Peter Talbot and businessmen like Matt MaCauley and John McDougall, Edmonton won the debate and became the capital.⁷⁴ After losing the seat of political power, the Anglo middle and upper-class in Southern Alberta used social organizations as a way to exert additional influence in the province.

Following the 1905 resignation of Sir Clifford Sifton as Prime Minister Laurier's Minister of the Interior, the influential Frank Oliver took over the position. Oliver supported the immigration policy Sifton created that successfully opened the west. In 1907 Oliver gave a speech detailing his changes to Sifton's policy. His concern was clearly with promoting agriculture and what he saw as 'agrarian values.' He argued that the old policy had brought in a surplus of manufacturing workers because of its reliance on the Canadian Manufacturing Association to draw immigrants. These workers did not want to settle in the mostly agricultural regions of Western Canada and would move to major manufacturing cities, causing social instability as an excess of workers flooded the streets with no employment.⁷⁵ The trend persisted to the point that Oliver expressed concern that urban environments were becoming too crowded and worried about a drain in rural occupations like "farmers, farm labourers, gardeners, stablemen, carter, railway surface men, navvies or miners... and female domestic servants"⁷⁶ across the west. One aspect that differed from Sifton's policy was Oliver's inclusion of strict moral criteria that would exclude people who were "[f]eeble minded, idiotic, insane, or who have been insane... afflicted with any loathsome, contagious or infectious disease: anyone who is a

⁷³ J.W. Grant MacEwan, *A Short History of Western Canada*, 120.

⁷⁴ James G. MacGregor, *A History of Alberta*, 153. This decision has come to be recognized as the starting point of the infamous Edmonton/Calgary city rivalry, which escalated when the province decided to build the provincial university in Edmonton instead of Calgary.

⁷⁵ (PPP), "Minister of the Interior Reviews Immigration Policy," *Edmonton Bulletin*, December 7 1907.

⁷⁶ (PPP), "Minister of the Interior Reviews Immigration Policy," *Edmonton Bulletin*, December 7, 1907.

pauper, who is destitute, who is a professional beggar or vagrant or who is likely to become a public charge, any prostitute or person who lives by the proceeds of prostitution or a convicted criminal.”⁷⁷ These restrictions echoed the sentiments of temperance movements and moral reform leagues across Canada, including Alberta.

As Alberta grew into its own as a province, Albertans clashed over the future of the region. Rural settler Albertans wanted to continue to embrace their frontier identity and believed that a robust agricultural culture should be the foundation of Albertan society.⁷⁸ The economy of Alberta boomed throughout the early twentieth century in all sectors. Alberta remained an agricultural powerhouse while mining, oil and gas, lumber, ranching, and industrial work prospered as well.⁷⁹ Even though the economy prospered, urban poverty became a worrisome issue for the urban upper-class as the poor in Edmonton and Calgary became increasingly visible.⁸⁰ Vagrancy was another unintended consequence of this prosperity as a steady stream of male and female vagrants travelled to the province looking for work. The steady growth of poor urban areas drew concern from social welfare groups, religious institutions, and temperance organizations that feared how impoverished people would negatively influence society through the proliferation of vice. These groups increasingly used gender, race, and imperial rhetoric to forward a platform for social control. Arguments raised by moral reform groups focused on increased criminal activity, and the ‘classes’ of people who committed such offences, by segregating people who partook in such pastimes into a criminal class, reformers weaponized prostitution, alcohol, and gambling against marginalized people.⁸¹ Starting in the early years of

⁷⁷ (PPP), “Minister of the Interior Reviews Immigration Policy,” *Edmonton Bulletin*, December 7, 1907.

⁷⁸ Bradford James Rennie, *The Rise of the Agrarian Democracy*, 15.

⁷⁹ Gerald Friesen, *The Canadian Prairies*, 274.

⁸⁰ Gerald Friesen, *The Canadian Prairies*, 280.

⁸¹ Lesley Erikson, *Westward Bound*, 78.

the twentieth century, the Woman's Christian Temperance Movement began to increase public pressure on the provincial government and law enforcement to crack down on social vices.⁸²

Throughout the First World War, the RNWMP initiated extensive campaigns to put pressure on immigrants, the lower-class, and women as a way to dispel criticism and maintain control over society during a turbulent time.⁸³

After years of economic prosperity and steady population increase, the war caused both to fall off dramatically, instigating a period of social negotiation in Alberta and brought the very nature of Canadian citizenship into question. Following Canada's declaration of war, the federal government responded by cutting off immigration from Europe. Immigration from the United Kingdom and the United States alone could not sustain population growth, which caused a depression in infrastructural work in urban areas. With a faltering urban economy, the populations of Calgary and Edmonton started to fall as skilled tradesmen and labourers left the cities to find work elsewhere.⁸⁴ Additionally, oil and gas jobs became increasingly rare despite the promise of earlier years. Demand for oil reached an all-time high as the war rolled on, but the technology could not keep up. Wells emptied faster than were drilled, and the cost of drilling far exceeded the profits. As interest in Alberta oil and gas faded, the railroad companies were facing bankruptcy by 1916 because of low investment and dropping immigration. Western markets suffered as these large companies left the region, but the influential businessmen, backed by federal politicians, walked away with land and business holdings awarded to the railway

⁸² David Bright, "Technology and Law Enforcement: The Transformation of the Calgary Police Force, 1900-1940," *Urban History Review* vol 33 no. 2, (2005), 31.

⁸³ S.W. Horrall, "The (Royal) North-West Mounted Police and Prostitution on the Canadian Prairies," in *The Mounted Police and Prairie Society, 1873-1919*, ed. William M. Baker, 173-192, (Winnipeg: Canadian Plains Research Center, 1998), 177.

⁸⁴ James G. MacGregor, *A History of Alberta*, 234.

companies leaving a hole in Alberta's economy.⁸⁵ Adding insult to injury the near elimination of the liquor industry by the Temperance movement landed another blow to the economy.

Legitimate businesses such as saloons, distilleries, and retailers became 'blind pigs' and moved to underground red-light districts fostering a return to the frontier's notorious bootlegging past.⁸⁶

Amidst the doom and gloom of failing industrial, infrastructure, and liquor economies, two points of light enabled the province to survive. Alberta maintained its strong agrarian economy throughout the war. Wheat prices experienced moderate but steady gains as the war machine devoured supplies.⁸⁷ Many unemployed craftsmen, labourers, and oilmen exchanged city life for farms and ranches adding support to the UFA. Additionally, the mining industry remained steady because of the demands of the war.⁸⁸ Despite a series of devastating and tragic mining disasters that had plagued the industry since the turn of the twentieth century,⁸⁹ Alberta remained a top producer of coal. The dangerous nature of mining caused many immigrants from central Europe to take those jobs because few Albertans wanted such dangerous work before the war started. As the war progressed and more Anglo Albertan men struggled to find work, racial discontent boiled over because of competition for these jobs. These resentments intensified as wartime propaganda portrayed Germans, Ukrainians, and Scandinavians as the enemy, and their employment in the mines made them targets of racial violence. Albertans became increasingly

⁸⁵ James G. MacGregor, *A History of Alberta*, 235.

⁸⁶ James G. MacGregor, *A History of Alberta*, 90.

⁸⁷ James G. MacGregor, *A History of Alberta*, 232.

⁸⁸ James G. MacGregor, *A History of Alberta*, 233.

⁸⁹ These disasters include: the 1903 Frank's Slide where more than ninety people were buried alive in the town of Frank when the side of Turtle Mountain fell on the town, the 1910 Bellevue mine explosion that killed thirty-one men, and the 1914 Hillcrest mine explosion which killed one hundred and eighty-nine men.

suspicious, paranoid, and angry, targeting homes and businesses of Austro-Hungarians, Polish, Czechs, Slovaks, Germans, and Ukrainians, among others in racially motivated attacks.⁹⁰

In 1917 the Dominion government enacted the Wartime Elections Act. This act stripped citizenship from people who had immigrated to Canada within the last fifteen years and blocked future naturalizations by people from Germany or the Austro-Hungarian Empire. Conscientious objectors also had their citizenship revoked because their pacifism and broader Canadian society viewed them as traitors to the nation. The symbolic action had sweeping consequences as men, women, and children lost the protections and privileges that citizenship had guaranteed them.⁹¹ Throughout the war, pacifist, religious communities like the Hutterites, Mennonites, and Doukhobors became targets of public anger. In the eyes of Albertans, these religious communities checked almost every single box: they spoke languages that sounded Germanic or Eastern European, were pacifist, had special treaty immunity from conscription, and their isolation made them easy targets for violence.⁹²

Traditional gender roles continued to erode during the war. With so many men absent traditional norms for women began to change out of necessity. Women of both the upper and lower-classes in urban cities became increasingly visible in political, social, and economic life as more responsibilities fell to them in the absence of the men fighting overseas.⁹³ Urban middle-class women petitioned for suffrage to increase the strength of the middle-class, encourage the betterment of their society and give political validation to maternal feminist ideologies.⁹⁴ For rural men and women, these perceptions had already blurred because of the role rural women

⁹⁰ Howard Palmer, *Patterns of Prejudice*, 47.

⁹¹ Howard Palmer, *Patterns of Prejudice*, 47.

⁹² Howard Palmer, *Patterns of Prejudice*, 50-51.

⁹³ Veronica Strong-Boag, "Women's Suffrage in Canada," *The Canadian Encyclopedia*, August 25, 2016.

⁹⁴ Veronica Strong-Boag, "Women's Suffrage in Canada," *The Canadian Encyclopedia*, August 25, 2016.

played in day-to-day agricultural work. By 1916 when the Suffrage movement needed support from the UFA and UFWA, they quickly became one of Suffrages most vocal supporters, despite class ideological differences.⁹⁵ The UFA/UFWA hoped that by giving rural women the vote, the agrarian movement could gain more political clout. Due to the support of the UFA/UFWA white and black women in Alberta attained suffrage in 1916.

Motivated by their desire for equal rights between the sexes, women of the Suffrage movement used lower-class and racialized women to achieve their goal. Pillars of the suffrage movement like Emily Murphy, Nellie McClung, Alice Jamieson, and Louise Mckinney came from the urban middle and upper-class and as much as they claimed to fight for equality the narrative of their platform indicated otherwise. A vital feature of the suffrage movement focused on maternal feminism and new imperialism, namely by interpreting a woman's motherly duty and morality as the backbone of the British Empire and by arguing that through women's sexual purity and innate morality they could lead a more moral future.⁹⁶ To prove these theories, organizations like the Woman's Christian Temperance Union (WCTU) and other moral reform groups portrayed lower-class and racialized women as causes of social degradation. As racial panic festered throughout the province, the UFA/UFWA eventually came to more closely resemble the ideologies of the urban social movements in regards to racial and social purity.⁹⁷ Maternal feminists effectively convinced the urban and rural public of their agenda and helped women's groups to gain political and social influence during the war. Deft manipulation of gender, class, and racial discourses against marginalized groups permitted upper-class women to establish themselves in a changing social landscape.

⁹⁵ Bradford James Rennie, *The Rise of Agrarian Democracy*, 116.

⁹⁶ Cecily Devereux, "New Women, New World: Maternal Feminism and the New Imperialism in White Settler Colonies," *Women's Studies International Forum* 22, no. 2 (1999), 176.

⁹⁷ Bradford James Rennie, *The Rise of Agrarian Democracy*, 119-121.

In the background to all the social, political, and economic successes and failures during this time, men and women faced off in the criminal justice system. At first glance, criminal justice appears cut and dry, but what constitutes a crime or makes someone a criminal evolves as social narratives advance depending on what those in authority are trying to accomplish. Looking deeper into criminal cases demonstrates the messy and subjective nature of criminal law. As the Dominion extended control over the Canadian interior and established Alberta, criminalization underwent a series of alterations that would immensely affect those who called the region home. As the urban middle-class, rural settlers, and suffragettes battled for authority in Alberta their conflict left casualties in the justice system. While men committed the majority of crimes, women's criminality shows how deftly criminalization was affected by social changes and how criminalization also influenced those changes. The examination into the legal regulation, criminalization, and courtroom experiences women faced in the criminal justice system reveals how gender, race, and class rhetoric in the hands of upper-class men and women affected not only the criminal women but also their families, communities, and the province as a whole. The criminalization of women in the frontier demonstrated the initial attitudes of the incoming British imperial class as they sought to institutionalize their particular worldview in the Territory in a few critical areas while also pointedly respecting others to facilitate a more peaceful transition.

Chapter 3: Last Days of the Frontier, 1892-1904

The next three chapters explore the shifting nature of legal priorities and practices in Alberta (or the Territory that would become Alberta) from 1892 to just after the end of World War I. This chapter focuses on the decade or so leading up to the establishment of the province of Alberta. It uses thirteen cases involving women as a lens through which to understand how women figured into and were affected by the law in this period.¹ In the cases considered, magistrates imposed fines on four of these women, two received jail time, and one secured a suspended sentence, while the remaining seven had their cases dismissed. These thirteen cases illustrate essential aspects of how the law figures into a new era of British settlement in this period and how the law was used to instate and preserve a particular kind of social order. The type of crimes committed by these offenders also reveals a snapshot of the way women took advantage of the opportunities living in the frontier provided. Over the thirteen years leading up to the creation of Alberta, the primary goal of law enforcement focused on establishing a settler state. The small number of cases involving women in this period reflects the demographic breakdown of the region. With so few women living in the Territory they made up a limited fraction of all criminal offenders.

In an overwhelmingly male region, law enforcement focused on violent crimes committed by men and the original mission of policing to suppress Indigenous populations. As a result, British women of the frontier enjoyed a prolonged period of light judicial control by the law, so long as they adhered to the social order the law was attempting to establish.² For these thirteen women, little trace of their time in front of a judge remains preserved in the records. At

¹ Provincial Archives of Alberta (PAA), Supreme Court of Alberta (SCA), *GR1983.0001 file list*.

² R.C. Macleod, "Crime and Criminals in the North-West Territories, 1873-1905, in *The Mounted Police and Prairie Society, 1873-1919*, ed. William M. Baker, (Winnipeg: Canadian Plains Research Center, 1998), 95.

the minimum the records for female offenders contained a single one-sided form that gave name, date, location, crime, arresting officer and judge. Occasionally the single page has handwritten notes detailing the plea submitted, court dates, or sentence. Some files have sentencing forms, request for appeals, or receipts for peace bonds and fines. Only high-profile cases have any significant documentation of court proceedings such as transcripts, cross-examinations, affidavits, judge comments, witness testimonies, and other documentation.³ More common routine offences like perjury, forgery, theft, and fraud passed through the courts with little fanfare with most of these women receiving light punishments.⁴

Despite most of these thirteen cases having limited documentation, the crimes these women were charged with speak volumes about the lives of women in the frontier at this time. The rural nature of the region was a significant factor in women's crimes and how the courts treated them. For crimes like infanticide, law enforcement had difficulty prosecuting in the North-West Territories. Sheena Anderson and Marie Melnyk were suspected of 'concealment of a child's body' and 'failing to provide proper assistance during birth' respectively.⁵ Justice Charles Bromée Rouleau acquitted Anderson, and Judge Robert Blecher dismissed Melnyk's case. More women faced lesser charges because of the general reluctance of the judicial system to convict women with infanticide.⁶ As lesser charges, 'concealment' and 'failing to provide care,' proved easier to prosecute than infanticide, although judges even hesitated to convict offenders. In a frontier and rural societies like the Territories, isolation resulted in limited access

³ PAA, SCA, GR1983.0001, *Queen vs. Rondeau*, box 14 file 463.

⁴ PAA, SCA, GR1983.0001, *Queen vs. Syulkiez*, box 7 file 149, PAA, SCA, GR1983.0001, *Queen vs. Shipman*, box 10 file 282, PAA, SCA, GR1983.0001, *Queen vs. Fielders*, box 12 file 356, PAA, SCA, GR1983.0001, *King vs. Wells*, box 9 file 223.

⁵ PAA, SCA, GR1983.0001, *Queen vs. Anderson*, box 12 file 386, PAA, SCA, GR1983.0001, *Queen vs. Melnyk*, box 14 file 451.

⁶ Kirstin Kramar. *Unwilling Mother, Unwanted Babies: Infanticide in Canada* (Vancouver: UBC Press, 2005), 3.

to healthcare, social stigma for women who conceived out-of-wedlock, and lack of private and public institutions that would take in unwanted children.⁷ In response to the rural nature of the Territory, communities found ways of providing care for residents, and that did not come without legal challenges.

In 1903 French Canadian Sara Rondeau faced charges for practicing medicine without a license under the Medical Professions Ordinance and for taking a fee.⁸ Rondeau's case generated significant documentation indicating how severe this case appeared to the court. Three men called to the stand, Napoleon Ponton, Edmond Labbe, and Peter Berley, related their interactions with Rondeau. Each man detailed individual circumstances that described a common practice in any rural community. With pregnant wives nearing their respective due dates or suffering complication, the three husbands turned to their neighbour for help. These men asked their neighbour, Mrs. Rondeau, who looked after their wives while the men travelled due to work or to make the twelve-mile journey from Morinville to St. Albert, the closest town with a licensed doctor. Isolation was a severe problem for all rural villages like Morinville that did not have access to medical help, not to mention how not everyone could afford the cost of medical services. In times of crisis, these communities had to rely on the generosity and skills of the neighbours for survival. Napoleon Ponton commented on this reliance, stating that "Mrs. Rondeau is our neighbour and we often help one another, we are good neighbours, always were."⁹ For Ponton, no crime had been committed; his neighbour helped his family in a time of need. The second witness also defended his neighbour when he mentioned that Mrs. Noel Borssoumeau of Morinville also helped the community in instances of medical emergencies, and

⁷ Backhouse, "Desperate Women and Compassionate Courts," 447.

⁸ PAA, SCA, GR1983.0001, King vs. Rondeau, box 14 file 463.

⁹ PAA, SCA, GR1983.0001, King vs. Rondeau, box 14 file 463.

yet she did not face the court.¹⁰ Peter Berley described how he went to Rondeau to help his wife during her labour while waiting for the doctor from St. Albert to arrive.

Rondeau then aided the doctor in delivering a stillborn baby and helped to clean up after. Berley gave Mrs. Rondeau a gift of \$3.00 and some fish as a ‘thank you’ for coming to help him and his wife. Berley stressed that at no point did Rondeau ask for a payment, nor did he ever feel required to pay Rondeau for her assistance.¹¹ Both Ponton and Labbe echoed Berley’s claims in their testimonies about the gifts they too gave Rondeau, stating that these were in thanks for her help, and never once requested. For Justice of the Peace Robert Blecher, these testimonies made little difference, and he fined Mrs. Rondeau \$1.00 plus \$12.65 costs of court. When Rondeau could not pay the fine Belcher sentenced Rondeau to fourteen days in jail.¹² The community rallied behind Rondeau testifying in her favour, but they did not help pay the fine, either because their support was limited, or more likely they could not afford financially to help. They already took the time to go to court and testify.

The case file includes the information and complaint revealing George H Ross of the College of Physicians and Surgeons brought Rondeau to criminal court. He had a vested interest in interrupting, or more preferably, ending the reliance of these communities on unlicensed people practicing medicine.¹³ His interference would force rural men and women to seek out doctors and pay for their services. As early as 1842 in Britain, physicians began to professionalize to help deal with public health crises such as sanitary conditions among labourers

¹⁰ PAA, SCA, GR1983.0001, King vs. Rondeau, box 14 file 463.

¹¹ PAA, SCA, GR1983.0001, King vs. Rondeau, box 14 file 463.

¹² PAA, SCA, GR1983.0001, King vs. Rondeau, box 14 file 463.

¹³ Peter Wilton, “College of Physicians and Surgeons of Ontario has little in common with its predecessors,” *Canadian Medical Association Journal* 150, no. 10 (1994), 1689.

and epidemics in Ireland.¹⁴ In Canada, a similar movement took place. Practitioners attended schools and earned certificates or degrees, giving a level of bourgeois status and prestige to the practice that had previously been unregulated. Over time the professionalization of the medical profession pushed midwives and grassroots doctors out of business in rural communities.¹⁵ This pressure affected the ability of women to participate in the medical field unless it was in tasks appointed by male professionals. The court demonstrated its willingness to penalize agrarian physicians because it brought an upper-class presence into rural communities, especially immigrant settlements like Morinville, which was primarily made up of French and German immigrants.

Rondeau's case illustrates well these contests in the fashioning of the Canadian west. Ross's attempts to dissuade unlicensed regional practitioners and break down the internal reliance of rural communities on those individuals did not go unchallenged. Mrs. Rondeau and her lawyer applied for an appeal. Her lawyer, Wilfred Garipey, outlined five critical arguments about why this conviction represented an egregious overstep in the Justices' jurisdiction.¹⁶ First, he argued that the charge laid against Rondeau did not apply to any offence in the law. Second, the conviction did not state the place or time that the 'alleged' offence occurred. Third, the conviction did not apply to any offence in which Justice Belcher had any jurisdiction. Fourth, the Justice did not have jurisdiction to convict Mrs. Rondeau, and lastly the punishment exceeded fair justice.

¹⁴ Lawrence C. Loh and Bart J. Harvey, "A Look to the Past as We Look Ahead: The Specialty of Public Health in Canada," *Canadian Journal of Public Health* 104, no. 2 (March/ April 2013), 108.

¹⁵ Peter Wilton, "College of Physicians and Surgeons of Ontario," 1689.

¹⁶ PAA, SCA, GR1983.0001, King vs. Rondeau, box 14 file 463.

Moreover, none of the evidence proved the charges levied against Mrs. Rondeau. All of these arguments centred on the critical point that Rondeau did not break the law, but she did circumvent the system of the developing professional medical system. The court upheld her appeal and quashed the conviction undermining the attempt by George Ross to use Mrs. Rondeau to inform her community of the changing power structure of the Territory.

Sara Rondeau played an important role in her community and used her skills to support herself and her neighbours. Other women in the Territory found other ways to earn a living that occasionally resulted in court appearances. The courts charged five women with crimes relating to property and money related offences. Each of these offences demonstrates the different ways women worked to provide for themselves in the frontier. Some women like Madam Fortier owned and operated businesses and faced the courts for crimes like failing to pay wages.¹⁷ Madam Fortier was one woman who was able to capitalize on the economic opportunity that the frontier provided by engaging in legal forms of self-employment.¹⁸ Not all women were able to find such upstanding work.

Owning and operating bars or illegally distributing liquor provided a living for women. However, liquor was also used as a tool in the ongoing race war against Indigenous peoples, and aided in their criminalization, especially following the Resistance of 1884-1885. For women like Ida Shipman who were caught selling liquor to an Indian their punishments were severe; Shipman spent three months of hard labour in jail for her offence.¹⁹ Mary Grey also found herself embroiled in a case the *Edmonton Bulletin* called the 'Lac Ste Anne Tragedy' that was further complicated by intersections of race.

¹⁷ PAA, SCA, GR1983.0001, Queen vs. Fortier, box 12 file 364.

¹⁸ PAA, SCA, GR1983.0001, Queen vs. Fortier, box 12 file 364. PAA, SCA GR1983.0001 Index.

¹⁹ PAA, SCA, GR1983.0001, Queen vs. Shipman, box 10 file 282.

In August of 1896 reports received in Edmonton claimed that an Indigenous man named Pierre Alexis, son of a former Iroquois chief, had died during a drunken brawl at the hands of Ka-ma-ka-we-gid (Swiftrunner) and Charlie Joachim. The *Qu'Appelle Progress* and the *Brandon Mail* painted a savage and violent Iroquois community in an article titled "Trouble Up North." These papers claimed that Swiftrunner had been "imbued no doubt with the fighting spirit of his warrior ancestors"²⁰ in the isolated Northern region of the North-West Territories. The papers also wrote that the Iroquois and Cree had founded an "alien settlement" where they could live a free life that was "fast becoming impossible to them in the east owing to the rapid advancement of civilization" which further divorced Indigenous populations from 'civilized' society.²¹ Mary Grey faced charges for selling liquor to Indians, an accessory after the fact, and perjury.²² In the end, Justice Tims fined Mary Grey \$100 plus the cost of court, Justice Rouleau gave her three months in common jail for being an accessory and dismissed the perjury charge. Grey's case demonstrates the legal consequences that can arise in intersectional cases that challenge the prevailing narratives about race and class.

Justice Rouleau may have harboured deep resentments toward Indigenous Peoples because in 1884 he reported to the Dominion government about the state of Metis and Indigenous agitation in Manitoba. In 1885 he and his family were forced to flee from Fort Battleford as Indigenous rioters burned and looted his house, leaving his family "poor as a church mouse."²³ He returned to Battleford to preside over the cases of Kapapamahchakwew

²⁰ PPP, "Trouble Up North," *Brandon Mail*, September 3 1896.

²¹ PPP, "Trouble Up North," *Qu'Appelle Progress*, September 3 1896.

²² PPP, "Lac St. Anne Tragedy", *Edmonton Bulletin*, August 31 1896.

²³ Louis Knafla and Richard Klumpenhower, *Lords of the Western Bench*, 161. Louis Knafla, "Rouleau, Charles Borromée," *Dictionary of Canadian Biographies*, April 25 2018.

(Wandering Spirit) and others²⁴ who rioted at Frog Lake, a pivotal event in the North-West Rebellion, the last major example of armed resistance to the Canadian state.²⁵ Due to his deep personal involvement with Indigenous disobedience at Frog Lake, Rouleau sternly punished anyone who appeared sympathetic or in partnership with Indigenous communities.

The Greys' worked as fur traders at an isolated post outside Lac Ste. Anne. Mary likely sold liquor to the Indigenous community to supplement income for her family. She played a minor role in the murder of Pierre Alexis, and yet she received significant coverage in newspaper reporting about the incident, occupying about a quarter to one half of each article's coverage about the case. Grey's case and that of Ida Shipman show that at a judicial level there was concern over liquor offences, especially those concerning Indigenous persons.²⁶ Debates about prohibition started to intensify in the Territory and across Canada, and the emerging Temperance movement feared the spread of immorality among the lower-class and racialized groups.²⁷ In the Territory, alcohol was perceived by the urban upper-class to be a contributing factor for violence, especially in rural areas. While cases of violent crimes attributed to female offenders occur less frequently at least one of two cases occurred under the influence of alcohol.

On October 15, 1901, Rosey Bernard of Fort Saskatchewan faced charges of assault and drunk and disorderly.²⁸ Bernard plead guilty, and the magistrates handed her a \$5.00 fine. A few years before Bernard's case on February 27, 1892, in Stoney Plain, Maggie Pepin was accused of

²⁴ Others tried by Rouleau: Paypamakeesit (Round the Sky), Kittimakegin (Miserable Man), Manachoos (Bad Arrow), Apaschiskoos (Little Bear), Nabpace (Iron Body). None of these men were given legal counsel and all were sentenced to death. Sylvia M. Van Kirk, "Kapapamahchakwew," *Dictionary of Canadian Biographies*, April 25 2018.

²⁵ Louis Knafla, "Rouleau, Charles Borromée," *Dictionary of Canadian Biographies*, April 25 2018.

²⁶ Rober A. Campbell. "Making Sober Citizens: The Legacy of Indigenous Alcohol Regulation in Canada, 1777-1985," *Journal of Canadian Studies* 42, no 1. (winter 2008). 106.

²⁷ PPP, "General News," *Edmonton Bulletin*, June 15 1893.

²⁸ PPA, SCA, GR1983.0001, King vs. Bernard, box 12 file 347.

attempting to stab her brother with a bottle.²⁹ Rouleau wrote little about Pepin's case and left the result of her trial unrecorded, if not for the *Edmonton Bulletin* which reported on the case. Justice Rouleau had found her not guilty. The *Bulletin* reported that the "prisoner was charged with wounding her brother with intent to do grievous [sic] bodily harm."³⁰ Before the Dominion purchasing the North-West Territory violence had been a noted characteristic of the frontier. As the RNWMP began to establish Dominion rule, the sheer number of assaults made it impossible to eradicate assault through intense policing. Instead, small fines under ten dollars were handed to break the normalized system of violence.³¹ Upper-class society had concerns about violence in the region, especially when alcohol appeared to be involved. While women were few in the Territory, there was a difference in how men and women were expected to behave. Women were considered signifiers of civilized life. When women engaged in acts of violence, an act deemed a 'male' quality; the consequences were severe. One crime notably absent from the cases found in this period is those involving vagrancy and prostitution.

Prostitution is known to have occurred in the frontier, but the absence of prosecuted cases demonstrates that law enforcement did not see prostitution as an offence deserving strict legal action which also resulted in prostitutions' less regulated status. Historians of the west have argued that police and magistrates chose to overlook prostitution because of the role it played in keeping the peace in frontier society.³² The blind eye of law enforcement recognized how these women contributed to prairie society by fulfilling a need in the community despite its link with

²⁹ PAA, SCA, GR1983.0001, Queen vs. Pepin, box 1 file 18.

³⁰ PPP, "Criminal Court", *Edmonton Bulletin*, March 5 1892.

³¹ R.C. Macleod, "Crime and Criminals in the North-West Territories," 86.

³² Rhonda Hinch, "Manitoba History: The Oldest Profession in Winnipeg: The Culture of Prostitution in the Point Douglas Segregated District, 1909-1912," *Manitoba History* 41, (Spring/Summer 2001)
http://www.mhs.mb.ca/docs/mb_history/41/oldestprofession.shtml

the lifestyle associated with alcoholism and immorality. The only cases that appeared related to sex crimes were two cases of perjury.

In the final years of the North-West Territory, the Dominion politicians and their allies used the law to extend their influence into spaces they imagined as part of their Dominion. Lawmakers in the west attempted to help shape new social boundaries through the criminalization of settlers in the region. Influential men in the judicial system had direct control over how the law would regulate men and women in the region and sought to overturn long held conventions in frontier society. For the women of the frontier full access to the economic opportunity of the west remained limited in some aspects. Women like Sara Rondeau were prevented from participating in the medical profession, while others like Mary Grey and Ida Shipman faced the consequences of becoming involved in racial dynamics at play in the frontier. These women became involved in the process of redefining civilized society before the establishment of Alberta. For the prostitutes who were permitted to continue engaging in sex work changes to the political and social hierarchy of the territory had little effect. Following the establishment of provincial status, the successes and failures of politicians and lawmen in the frontier period came to the forefront as the results of their effort during this period came to fruition and began to drastically change the social landscape of the frontier.

Chapter 4: Growing Pains, 1905-1913

As Alberta moved into the twentieth century, the growing influence of urban social movements responded and influenced the social and political consequences of the frontier period. From 1905 onward, the demographics of the region began to shift rapidly. Settlement strategies drew large numbers of settlers to Alberta from nations across Europe and Asia. These new arrivals were mainly poorer and less Anglo than the intended targets that promoters of Western settlement had hoped. This led legal officials to use the law to impose stringent regulations on crimes of poverty as a way to adapt to the increased numbers of urban poor. Additionally, the increased settlement also evened out the gender imbalance of the province, which caused the law in the west to view prostitution as a crime requiring closer regulation and further deteriorating frontier cultural institutions in the region. Women in the province lost prostitution as one of their few economic opportunities in the region and continued to remain barred from finding employment in traditionally male jobs.

The cases examined in this chapter cover a sample of the 174 cases involving women that came before the courts. These cases demonstrate shifting trends in criminalization during this period and changing socio-political discourses in Alberta. As the primary source of information, newspapers had a massive effect on how Albertans interpreted themselves as residents of the province and as citizens of Canada. Peel's Prairie Province's newspaper database revealed an array of articles, opinion pieces, speeches, and conferences that showed the competing narratives about crime and the state of society. Discussions about poverty and

immigration were a central focus during this time, especially because Ottawa maintained its goal of colonizing western Canada and immigration played a crucial role in that plan.¹

In 1909 the *Edmonton Bulletin* printed an article by an unknown author that highlighted two schools of thought about Imperialism in Canada. First, the author described those who believed that Canada could exist as an independent nation while also maintaining imperial traditions and ties. This rhetoric resonated among the urban middle and upper-class because it allowed their groups to “construe their country as being not only that in which they were, are living and will be buried, but as also including the whole Empire...” Second, the writer detailed the imperialists who thought that “the Imperial structure should be maintained at all costs and under all circumstances, it is [was] neither wise nor proper to mangle or manacle the freedom of the federated states...”² Both of these opinions wanted to maintain the bonds between the Dominion and the Empire to varying degrees. In these comments, the author disparaged the arrival of foreigners, frowned upon various local traditions and institutions, and resented social structures that did not reflect England’s traditions.

Published in response to the previous article, a 1909 letter to the editor written by George Broadley highlighted some of the evolving counter viewpoints of this period. Broadley criticized the idea of Canada for Canadians of a particular stock and claimed upper-class sentiments cast foreign settlers unfairly into inferior positions. He argued in favour of those who “come with a desire to improve their industrial conditions and to utilize the privileges of greater opportunities which this last new, free land affords: of making the future brighter for their offspring and their

¹ David Hall, “Clifford Sifton’s Vision,” 53.

² PPP, “Canada and the Jingoists,” *Edmonton Bulletin*, August 2 1909.

particular relations and friends, across the seas.”³ Broadley continued claiming that many of the assertions that the upper-class crafted about immigrants linking foreigners to criminality did so falsely. He also wrote and that he had seen many an Englishman commit crimes far more frequently than foreigners, and the authorities covered up those crimes. The focus on policing and criminalizing both poverty and foreignness led a systemic lack of effort by the provincial government to provide support to these newcomers. Arthur Balmer Watt’s newspaper, the *Edmonton Capital*, printed an article about a Russian refugee, Mr. Louis Kon, in 1911.⁴ In the article, Mr. Kon argued Canada lacked the institutional support to help immigrants learn the language, customs, values, and democracy ensuring new arrivals remained segregated. Despite the lack of institutional support a widely printed anecdote in Alberta papers described the mosaic ethnic make-up in Alberta:

It was the case of a Galician who quarrelled with a Chinaman over work done by a Hungarian carpenter when a Russian tailor tried to make peace. A Syrian waiter took the Chinaman’s side, a Bohemian cook took the side of the Galician, a Swedish doctor dressed the Chinaman’s wounds, and Irish policeman arrested the Galician, who was tried by a Scotch magistrate, convicted by the evidence of an Italian organ grinder, locked up by a German turnkey and attended in jail by a Polish.⁵

Whether promoters of the west wanted it or not, Alberta continued to urbanize with many of the arrivals falling outside the prescribed boundaries of Anglo citizenship. Despite the rhetoric in newspapers pointing to widespread criminalization of immigrant groups no one immigrant population appeared disproportionately in the records. Instead, the records reveal an institutional focus on crimes of class.

³ Broadley, Geo, PPP, “Immigration and Citizenship,” *Edmonton Bulletin*, June 17 1909.

⁴ PPP, “Naturalization is Now Proving to be a Vital Problem,” *Edmonton Capital*, November 19, 1911.

⁵ PPP, “Many Nationalities,” *Advertiser and Central Alberta News*, June 10, 1909, PPP, “Many Nationalities,” *Taber Free Press*, June 17, 1909, PPP, “Many Nationalities,” *Claresholm Review*, April 29, 1909, PPP, “Many Nationalities,” *Western Globe*, May 4, 1909, PPP, “Many Nationalities,” *Coleman Miner*, May 4, 1909. This anecdote was delivered by Reverend D. B. Harkness, a leader in the Baptist Church and social welfare movement in western Canada, during the Layman’s Missionary Conference in Winnipeg.

Urban Albertans witnessed ever-increasing numbers of urban poor and vagrants, which drew the attention of urban social reform groups that associated poverty with vice, dirt, disease, and immorality.⁶ In response, more newspapers started printing articles detailing the platforms of the Temperance and Moral Reform Leagues.⁷ A crime report printed in 1908 attributed a rise in crime “to the big influx of workmen and labourers from all parts of the world as the result of the commencement of railway work.”⁸ Law enforcement closely monitored the behaviour of transient groups in cities. The attention the groups of transients garnered in the cities resulted in their behaviours becoming closely monitored. The Temperance movement focused on social behaviours such as prostitution and consumption of alcohol as their primary method of promoting reform ideologies. A 1909 open letter to the provincial government highlighted the Temperance movements goals to eliminate all access to alcohol and institute “instruction in morals and good citizenship” in all public and high schools.⁹ They hoped to end “the segregation of the Social Evil” because it polluted “the imagination of the children, increas[ed] temptation to young men, lower[ed] the moral tone of the community and rob[bed] the law of respect” by allowing these vices to persist.¹⁰ Criminality during this period appeared to indicate the state of social integrity in the province. The Temperance movement argued that liquor and sex were gateways to poverty and criminal activity because it lured men away from work and family.

A 1906 study into Canadian crime rates revealed that “in relation to population, in the west than in the east the figures representing the ratio of criminality being in every case higher in

⁶ Howard Palmer, *Land of the Second Chance*, 224.

⁷ PPP, “A Letter from Mr. Eymundson,” *Saturday News*, February 24 1906.

⁸ PPP, “Crime Increasing,” *Edmonton Bulletin*, May 5 1908.

⁹ PPP, “Report of Committee on Temperance, Prohibition & Moral Reform,” *Western Globe*, July 6 1909.

¹⁰ PPP, “Report of Committee on Temperance, Prohibition & Moral Reform,” *Western Globe*, July 6 1909.

the western than eastern provinces.”¹¹ In the Territories, the study revealed that 569 convictions took place, eight of those involved women.¹² Whether or not this study had a significant public effect on patterns of criminalization remains unclear, but a noticeable shift in the numbers of women in the courts indicates that a change in policing took place. The Edmonton Supreme Court District records show only one case involving a female offender in 1906, and in 1907 that number jumped to twenty-four.¹³ Majority of the charges had to do with liquor, theft, and sex-related offences.¹⁴ Between 1905 and 1914, a total of twenty-four alcohol-related offences, twenty-three occurrences of theft, and eighty-one sex crimes were found to have passed through the court. One reason for this change maybe due to equalizing numbers between men and women in the region. Greater gender balance in the population would have encouraged the enforcement of traditional femininity and nuclear families over less conventional sexual unions of the frontier era. Another reason centres on law enforcement needing to appear tough on crime and a crackdown on visible urban offences proved the easiest way to appease the urban upper-class.¹⁵ City police departments started special ‘morality units’ to begin addressing the problem, and with more people moving into cities, the urban lower-class were easy targets.¹⁶

The RNWMP intensified their policy of monitoring and regulating red-light districts and known bawdy houses. Urban development forced the RNWMP to adapt to local police forces

¹¹ PPP, “Crime Somewhat More Prevalent,” *Edmonton Bulletin*, July 30 1907.

¹² This study combined the numbers from Alberta and Saskatchewan; the exact number of convictions that took place in Alberta alone are not listed.

¹³ These numbers are based on cases found in the archival records and not all cases may have been preserved in the records.

¹⁴ Sex-related offences include vagrancy charges because of the general assumption that a vagrant woman was a streetwalker. With many vagrancy cases having limited information it cannot be known for certain which of these women were arrested based on that assumption.

¹⁵ Helen Boritch and John Hagan. “Crime and the Changing Forms of Class Control: Policing Public Order in “Toronto the Good,” 1859-1955.” *Social Forces* 66 no. 2 (Dec 1987), 308.

¹⁶ David Bright, “Technology and Law Enforcement: The Transformation of the Calgary Police Force, 1900-1940.” *Urban History Review* 33 no. 2 (2005), 30.

that had to consider the concerns of special interest groups and city councils.¹⁷ The time of light criminalization of prostitution reached its end. As law enforcement rounded up more women for prostitution and liquor charges, urban and rural Albertans alike began to change how they saw prostitution. Notably, despite the increased discussion about immigration during this time, there was no noticeable rise in the amount of racialized women in the court system. Lower-class women, in general, bore the burden of the campaign to moralize the province. This campaign ultimately resulted in many women losing their only source of income. The Alberta Temperance and Social Reform League, the Welfare League, and other religious organizations brought their concerns to political officials as they called for more legislative action.¹⁸ These relentless campaigns eventually convinced Edmonton to take action against vagrancy and prostitution-related charges.

Before public anxiety about prostitution increased, law enforcement would move nuisance red-light districts outside of city limits to remove the responsibility for policing those areas. As cities began to expand law enforcement could not move these houses fast enough. In 1906 an open letter was printed in the *Edmonton Bulletin* demanding that the police enforce the law regarding prostitution houses because the neighbourhood children had to pass by on their way to school.¹⁹ These particular houses had already been moved once beyond city limits, but the city had yet again grown. By 1907 Edmonton began to work toward eliminating prostitution dens and red-light district. The police did not fully support this effort because they knew that the fallout from breaking up these locations would end up causing more problems.²⁰ Despite these

¹⁷ S.W. Horrall, "The (Royal) North-West Mounted Police," 174.

¹⁸ PPP, "Moral Reform Is The Subject Of Discussion," *Edmonton Bulletin*, April 30, 1909.

¹⁹ PPP, "City Counsel May Build Street Railway" *Edmonton Bulletin*, January 24 1906.

²⁰ William Baker ed. *Pioneer Policing in Southern Alberta: Deane of the Mounties*, (Canada: Historical Society of Alberta, 1993), 184.

concerns, public outcry for the criminalization of sex workers increased. In 1908 residents of the north-Edmonton community of Norwood submitted a petition by the League requesting that a neighbouring red-light district “be suppressed entirely” instead of being “shoved father back beyond the boundaries of the city.”²¹ During a public meeting, J.D. Blayney, former president of the Moral Reform League, contended that those who believed that prostitution served a purpose should not hold office, because they failed to protect the “physical and moral welfare of the public.”²² With outcries for public action and the threat of political backlash, judges began to capitulate to demands by handing out fines to women arrested and authorized busts on suspected brothels and known red-light districts.²³

The *Edmonton Bulletin* reported in 1909 one such instance police initiated after “a number of complaints against these [prostitution] houses and [a] raid was the result.”²⁴ Police arrested Effie Lawrence and Bella Moore²⁵ as a result of this raid for keeping a house of ill fame and selling liquor without a license, along with seven others for being inmates of that house. Judges favoured fines as a simple sentence given to female offenders saving incarceration for racialized women and more serious crimes. In total, 105 women received a fine compared to 19 women sentenced to jail. The most practical reason for fining female offenders had to do with the lack of correctional facilities for women. Guardrooms and penitentiaries had to keep women in overcrowded spare spaces. They were often lacking the funding to provide necessities for female inmates, often receiving extra or hand-me-down supplies from male inmates.²⁶

²¹ PPP, “Demand Eradication of Red Light District,” *Edmonton Bulletin*, March 20 1908.

²² PPP, “Demand Eradication of Red Light District,” *Edmonton Bulletin*, February 20 1908.

²³ PPP, “Raid of the Red Light District,” *Edmonton Bulletin*, July 30 1909.

²⁴ PPP, “Raid of the Red Light District,” *Edmonton Bulletin*, July 30 1909.

²⁵ PAA, SCA, GR1983.0001, King vs. Moore and Lawrence, box 28 file 1165.

²⁶ William Baker ed. *Pioneer Policing in Southern Alberta: Deane of the Mounties*, (Canada: Historical Society of Alberta, 1993), 173.

Institutions like the Guardroom in Calgary in the early twentieth century had to house women and juveniles in the medical ward with sick and mentally ill male prisoners.²⁷ While the matron Mrs. Stuttaford, received high praise for being a kindly and compassionate woman who took care of the women under her guard, the ward itself proved unsafe and unclean.²⁸ At its fifth annual convention in 1911 the Alberta Temperance Movement and Moral Reform League drafted a petition calling for the creation of an industrial asylum for corrective reformatory education. The League believed that such “an institution would tend to reduce criminal contamination of the youth of the province very materially and do away with the conflict of opinion between the segregation and bounding systems by correcting the evils of both.”²⁹ Motivated by a desire to secure suffrage, the League stated that they were “in favo[u]r of putting women on the voters’ list in view of the interest they take in the moral and physical welfare of the community.”³⁰ Despite this petition, Alberta did not open a women’s institution, and law enforcement continued to struggle with ways to address prostitution.

Richard Burton Deane, an RNWMP officer in Calgary, wrote about the difficulty law enforcement faced in cracking down on red-light districts such as the Nose Creek district in North Calgary.³¹ In 1907 Deane penned a letter to the RNWMP commissioner writing that “[w]ith regard to the suppression of these houses, there is a very pronounced body of opinion that these women, being a necessary evil, are well placed... they do not obtrude themselves on anybody, and are under supervision and control.”³² Deane further argued that if he broke up these houses, the inmates would scatter about the city and province, and he feared that without

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²⁸ William Baker ed. *Pioneer Policing in Southern Alberta*, 174-175.

²⁹ PPP, “Another Attack on the Alta. Liquor Men,” *Edmonton Bulletin*, February 18, 1911.

³⁰ PPP, “Another Attack on the Alta. Liquor Men,” *Edmonton Bulletin*, February 18, 1911.

³¹ Quoted in William M. Baker, “Deane, Richard Burton,” *Dictionary of Canadian Biography*, 2018.

³² William Baker ed. *Pioneer Policing in Southern Alberta*, 183.

constant supervision, contagious diseases would spread. Magistrate Orion Limper in Wainwright did not share the same concerns as Deane opting to expel known prostitutes from their jurisdictions. In 1909 Limper found Ida Paul guilty of prostitution and ordered her to pay a fine of \$25.00 and leave town.³³ Limper was the only magistrate found to have driven prostitutes out of town, with the majority assigning fines or minimal prison sentences. Increasing pressure from social reform groups, especially from Presbyterian and Methodist congregations, forced the police to adjust its approach when it came to criminalizing prostitution.³⁴

In a 1909 Annual Report, Deane discussed the hopeless task of suppressing red-light districts and a few practical obstacles preventing the complete elimination of prostitution. He commented that within a matter of weeks of clearing out Nose Creek district, the landlords would refill the homes and business would carry on as usual. Deane continued to appease the moral reform group's demands writing in a 1910 Annual Report that he:

...had promised to do what [he] could to suppress the "red-light" district, then situated on Nose Creek hill... Some of the speakers at [the] meeting expressed their conviction that if the keepers and inmates of these houses, were on conviction to be punished with imprisonment instead of by fine, the evil eradicated. Some of the women moved away to other parts, but some of the houses remained open in spite of all [his] efforts...³⁵

He continued to express concern that "[t]he defendants were represented by counsel who made no defense of any kind..."³⁶, but with the increased time in the courts, these women learned to deftly craft their defences, circumvent prostitution laws, and undermine efforts to reform and control them. Deane summarized by giving an example on this point in a 1910 report stating that:

The Moral reform League must, therefore, understand that the suppression of the houses which they hold in particular abhorrence will in future be attended with more difficulty

³³ PAA, SCA, GR1983.0001, King vs. Ida Paul, box 25 file 1048.

³⁴ William Baker ed. *Pioneer Policing in Southern Alberta*, 184.

³⁵ Quoted in William Baker ed. *Pioneer Policing in Southern Alberta*, 184.

³⁶ Quoted in William Baker ed. *Pioneer Policing in Southern Alberta*, 185.

than ever: for when it becomes generally known that a man and a woman, who are not husband or wife, may with impunity meet and go to bed together in a house of assignation, so long as one poses as the patient and the other as the nurse, we expect a widespread epidemic of a permanent nature.³⁷

Here Deane pointed out criminal women's agency and their ability to use social rhetoric that should have worked against them to their advantage. Throughout his writings, Deane demonstrated the flaws present in the arguments of temperance groups, and religious institutions' attempt to regulate and control prostitution.

In judicial courts, cases of prostitution were treated differently depending on who committed the offence and the different marginalities facing each woman. Prostitution played into class prejudices, and for racialized women, prostitution was also a crime of their race.³⁸ In 1912 the RNWMP discovered a troubling case in the rural Northern village of Grouard after complaints by local clergy prompted a raid on a home. The police charged an Indigenous woman named Isabel Ghostkeeper³⁹ with contributing to child neglect and her children Vital and Florrisa Ghostkeeper⁴⁰ with being inmates of a house of ill fame. RNWMP also discovered Eliza Shaw in the home and accused her of keeping a house of ill fame.⁴¹ Justice of the Peace William C. Blair quickly found Isabel guilty of influencing her daughter into becoming a delinquent and sentenced her to two months hard labour. He also found Vital and Eliza guilty of their charges and sentenced them to one-month hard labour. Blair charged Florrisa, but a recommendation from the Superintendent of Dependent and Delinquent Children and urging by the clergy led him

³⁷ Quoted in William Baker ed. *Pioneer Policing in Southern Alberta*, 186.

³⁸ Carol LaPrairie, "Native Women and Crime in Canada: A Theoretical Model," in *Too Few To Count: Canadian Women in Conflict with the Law*, eds. Ellen Adelberg and Claudia Currie, (Vancouver: Press Gang Publishers, 1987), 105.

³⁹ PAA, SCA, GR1983.0001, King vs. Ghostkeeper, box 60 file 2419.

⁴⁰ PAA, SCA, GR1983.0001, King vs. Ghostkeeper, box 60 file 2318.

⁴¹ PAA, SCA, GR1983.0001, King vs. Shaw, box 60, file 2418.

to commute her sentence to the care of the Sisters of the Refuge of the Good Shepherd.⁴² While this case generated the interest of clergy and residents of Stoney Plain and the surrounding Athabasca region, discussions around the case focused on the women involved and the state of their morality. Three men testified, and each one spoke about their opinion of the women and the state of their moral characters. Florrisa and Eliza especially received much attention. In Eliza's case, the conversation centred on determining her marital status, and for Florrisa at fifteen years old, she made a prime candidate for rehabilitation. While the Ghostkeepers were Indigenous, the documents did not focus on their race; not all racialized women were as lucky.

In February of 1907, Corporal Sidney Monroe arrested two Japanese women known only as Hana and Sisi. Testifying before Police Inspector G. S. Worsley, Monroe described how the women were twice accused of prostitution and noted that the women lived at the Jep House a notorious and well-known brothel in Edmonton. The RNWMP ordered the women to leave the house. When Monroe arrived in the morning, they were still in the home and Monroe surmised that the women had engaged in prostitution because they "were dressed like prostitutes...in short chemises/dresses..."⁴³ A second account of the arrest given by James C. Stewart described how he and Monroe had arranged for Stewart to enter the house and make way for Monroe to enter the home. Stewart described the layout of the house as one not set up as a private residence. From his deposition, Stewart did not see Hana, Sisi or, any of the other residents engaging in acts of prostitution, nor did the women proposition him. From these statements, Worsley sentenced

⁴² PPA, SCA, GR1983.0001, King vs Ghostkeeper, box 60 file 2318. The Sisters of the Good Shepherd are a Catholic order of women devoted to improving the lives of women and girls. Since their founding in the 17th century. their mission remains dedicated to the education and rehabilitation of women who live hard lives especially those who have turned to prostitution. Missions such as these has a long-standing practice of indoctrinating morality and culture. Japanese, Chinese, and black women also faced the same racial discriminations that used their culture as evidence of moral perversion. Sisters of the Good Shepherd, "Our History," 2018. First established in North America in 1842 the Sisters focused on redeeming immoral women and saving them from a life of prostitution.

⁴³ PAA, SCA, GR1983.0001, King vs. Hana and Sisi, box 17 file 644.

both women to one-month incarceration in the Guardroom in Calgary, and also he fined them \$20.00 each.⁴⁴ Worsley identified both women as Japanese in a handwritten note on the back of the sentencing order form. Beyond this brief mention, the case centred on the style of clothing the women were wearing. The lawyers for Hana and Sisi submitted an appeal for a reduced sentence, arguing that the penalty was too high for the offence, that the evidence given did not support the sentence, nor give evidence of the crime itself. Justice David Lynch Scott reviewed the appeal and upheld Worsley's sentence, stating that he "was of [the] opinion that there is in this statement sufficient evidence to support conviction." Worsley's preoccupation with Japanese persons is noticeable in the strict sentences Hana and Sisi, as well as other Japanese women faced over other women charged with similar crimes.⁴⁵

The majority of sex crimes in Edmonton passed through Inspector Worsley's court. He fined most of the women in his court as low as \$1.00 and as high as \$50.00 with only a handful of the women receiving jail time. For most of the women, he made minimal notes about them and the particulars of their cases, but he meticulously documented every Japanese person in his court, which totalled six individuals.⁴⁶ In 1909 he presided over a trial of four women known only as Rosie, Kate, Jessie, and Marie all charged with being inmates of a house of ill fame and fined \$1.50 plus costs. In the margins of their conviction, Worsley noted that "a Japanese" had been sentenced separately.⁴⁷ Similarly, in another 1909 case, seventeen people faced charges for being inmates of a house of ill fame and fined \$2.00 plus costs, and two of the women, named

⁴⁴ PAA, SCA, GR1983.0001, King vs. Hana and Sisi, box 17 file 644

⁴⁵ PAA, SCA, GR1983.0001, King vs. Rosie and Kate, Jessie and Marie, box 28 file 1172.

⁴⁶ PAA, SCA, GR1983.0001, King vs. Hana and Sisi, box 17 file 644, PAA, SCA, GR1983.0001, King vs. Rosie and Kate, Jessie and Marie, box 28 file 1172. PAA, SCA, GR1983.0001, King vs. Moore, Spencer, Stuart, Aylesworth, Katie, Rosie, Maciueny, box 30 file 1249.

⁴⁷ PAA, SCA, GR1983.0001, King vs. Rosie and Kate, Jessie and Marie, box 28 file 1172.

Maggie and Jessie, Worsley singled out as Japanese.⁴⁸ Worsley made no effort to identify the race of any women in other cases, except in the instances of Japanese women. Physical traits of race made it easy to single out and target Japanese women, and with racial tensions on the rise in urban centers as increasing numbers of non-British foreigners moved into cities and concerns about urban poverty increased, despite the majority of women charged with sex crimes not being from a visible minority.⁴⁹ In conjunction with the increased criminalization of prostitution came an increased focus on liquor consumption which proved a difficult vice to break and temperance and moral reform groups faced just as many challenges in their crusade to stop it.

Temperance movements across the country were pressuring law enforcement to crack down on liquor offences as well as pushing for the implementation of total prohibition, despite resistance from the public and the police. Albertans had a similar attitude to alcohol that they did to prostitution.⁵⁰ The Dominion had charged the RNWMP with the secondary mission to eliminate illegal transportation and production of liquor. By 1905, the illegal trafficking of alcohol had died out, but consumption and production remained steady. Liquor offences were the second most common offence committed by women. Frequently, the women accused of illegally selling liquor also had accusations of keeping a disorderly house, but the liquor charges were considered the most serious offence. Punishments received for liquor offences were far more severe than the ones received for sexual immorality. Fines started at \$50.00 and went up from there. Inspector Worsley gave out the highest fine of this period to Louise Wolf in 1908 when he fined her \$500.00 for the illegal sale of liquor.⁵¹ The Temperance movement claimed their campaign sought to combat vice in the twentieth century. Alberta had strict laws restricting

⁴⁸ PAA, SCA, GR1983.0001, King vs. Campeau, *et al*, box 30 file 1248.

⁴⁹ Howard Palmer, *Patterns of Prejudice*, 82.

⁵⁰ James G. McGregor, *A History of Alberta*, 91.

⁵¹ PAA, SCA, GR1983.0001, King vs. Wolf, box 24 file 975.

where and how liquor could be sold and consumed in the province. The laws dictated the number of rooms a hotel needed to sell liquor, and a public registry of all guests staying at the hotel.⁵²

While the government gave the Temperance movement some legal concessions, law enforcement struggled to enforce the laws and used them as a way to further criminalize racialized women.

Prohibition laws had affected Indigenous people for decades. The Dominion framed the law as a protection for Indigenous people from their supposedly weak moral character by preventing them from falling into the clutches of alcoholism.⁵³ RNWMP arrested Louise Goucher, a treaty Indian woman, in 1912 at Lac St. Anne for drunkenness and found her guilty under the provisions of the Indian Act by Judge Peter Gunn, who fined her \$30.00 plus costs.⁵⁴ Of the four instances of drunkenness found during this time, Goucher received one of the harsher sentences.⁵⁵ While the punishment to Indigenous people found intoxicated was severe, the consequences for those providing alcohol proved equally strict. One such offender was Mary Fitzgerald who in 1911, Inspector Worsley fined \$300.00 for supplying liquor to an Indian.⁵⁶ The laws in Alberta began to change as the move toward complete prohibition inched closer to becoming a reality.

At the provincial level, laws had started to limit access to liquor through an ordinance restricting who could sell alcohol. In 1908 a proposed bill attempted to restrict the sale of liquor to select wholesale dispensaries. These dispensaries had a limit on the amount of alcohol sold to each person while under strict supervision, the dispensers themselves were peace officers bound

⁵² Sarah Hamill, "Liquor Laws, Legal Continuity and Hotel Beer Parlours in Alberta, 1924 to c. 1939." *Social History* 49 no. 100 (November 2016), 586.

⁵³ Robert A. Campbell, "Making Sober Citizens: The Legacy of Indigenous Alcohol Regulation in Canada, 1777-1985," *Journal of Canadian Studies* 42, no. 1 (Winter 2008): 106.

⁵⁴ PAA, SCA, GR1983.0001, King vs. Goucher, box 57 file 2304.

⁵⁵ The other two women Mrs. Mable Turner and Helen Phillips received \$10.00 and \$5.00 respectively.

⁵⁶ PAA, SCA, GR1983.0001, King vs. Fitzgerald, box 48 file 1933. The only other case found for providing liquor to an Indian occurred in 1900 where Ida Shipman was sentenced to three months hard labour.

to inform court justices of all intoxicated persons and liquor offences.⁵⁷ While this bill did not pass in full, because it violated specific provisions of the British North America Act,⁵⁸ it brought changes to the Liquor License law limiting the establishments that could get a wholesale license and increased the minimum population requirement for a business to obtain a liquor license. These changes made it so that businesses in small towns and villages could not keep their liquor licenses and had to resort to illegal means to acquire and sell alcohol; many of these illegal establishments moved to brothels.⁵⁹ Places like the one owned by Ethel Williams provided space for both vices. The RNWMP arrested Williams in 1909 and charged her with illegally selling liquor and running a house of ill fame. Inspector Worsley fined Williams \$50.00 for the former and \$5.00 for the latter.⁶⁰ In William's case, the two fines show that the justice system viewed liquor offences as a more severe crime than sexual morality offences.⁶¹

By the 1910s anxieties about social well-being continued to rise among the upper-class and criminal women in the justice system faced strict punishments by the law as debate raged across the province over concerns about alcohol and prostitution. Despite changes that occurred to liquor laws in Alberta, a 1909 study published in the *Edmonton Bulletin*, showed that alcohol

⁵⁷ PPP, "Bill Which Proposes Sweeping Reforms in the Liquor Trade in the Province of Alberta," *Red Deer News*, February 5 1908.

⁵⁸ "By the 54th and 90th sections of the Imperial Act Vic., Chap 3, the British North America Act, 1867, it is provided that the House shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that had not been first recommended by a message of the Lieutenant-Governor in the session in which such vote, resolution, address or bill is purposed." PPP, "Liquor Bill has been Withdrawn," *Edmonton Bulletin*, February 13 1908.

⁵⁹ PPP, "Alberta Closes her Third Year of Autonomy: Rutherford Administration One of Splendid Progress," *Edmonton Bulletin*, September 5 1908.

⁶⁰ PAA, SCA, GR1983.0001, King vs. Williams, box 30 file 1244.

⁶¹ Other women charged with the same offences include Louise Myer box 20 file 761 and 762, Mrs Wolf box 21 file 846, Madeline Devline box 22 file 886 and 888, Rose McIntyre box 22 file 885 and 889, Louise Clarke box 21 file 866, Rosie Madia, Kate Ozama, Marguerite Magiuny, Alice Williams, Marei Alsworth, Dorothy Stewart box 31 file 1281, and Pauline Benson box 71 file 2834.

consumption in Canada had continued to rise steadily every year since 1905.⁶² Francis Stephens Spence, the author of the study and one of Canada's most prominent prohibitionists, concluded that the increase in liquor consumption hurt the economy of Canada. He claimed the economic benefit of an alcoholic beverage only lasted as long as one visited the local pub, and encouraged men and women to abandon their duties to work and home in favour of bad behaviour. He argued that any positive contribution the industry of alcohol production had on the economy was mostly negligible because the sector employed too few people with too small of pay to make an impact. Even though indications that morality laws had limited positive effect in the region, the Alberta Temperance and Moral Reform League claimed they made substantial ground in uplifting areas of moral deficiency. As 1912 rolled around the Temperance League had aided in the creation of laws that regulated the hours of operation, age restrictions of pool rooms, enforced censorship of 'moving pictures,' and strengthened enforcement of the already existing laws. Despite the claims of prohibitionists and moral reformers, these laws were not welcomed by all, and neither were they always adequately enforced. In the year leading up to the First World War Edmonton's Morality Division of the city police force faced a major scandal as corruption in the unit became exposed in an article published in the *Edmonton Bulletin*.⁶³ A police investigation revealed that the morality squad had tolerated the existence of bawdy houses within the city and turned a blind eye to several drinking establishments across Edmonton.⁶⁴

The early years of the province of Alberta demonstrates the achievements and frustrations that the upper-class faced while they attempted to install their preferred social order and

⁶² PPP, "Liquor Consumption Statistics of Canada," *Edmonton Bulletin*, April 16 1909.

⁶³ PPP, "Sensational Story Told on the Witness Stand by Detective Fryant of the Morality Squad," *Edmonton Bulletin*, June 15 1914.

⁶⁴ PPP, "Sensational Story Told on the Witness Stand by Detective Fryant of the Morality Squad," *Edmonton Bulletin*, June 15 1914.

eliminate the already instilled frontier culture. The economic prosperity of the region brought many new immigrants westward seeking new opportunities. As an unintended consequence of mass migration urban crime came to the forefront and became a point of concern for the upper-class. With large numbers of non-Anglo lower-class immigrants arriving in the west the upper-class wanted to unfairly associate foreigners to criminality. Crimes of poverty like prostitution and alcohol consumption further became a point of contention between the classes especially because these crimes continued to serve a perceived function in the region by providing an outlet for all members of the lower-class. Social reformers focused on the behaviours of the lower-class and campaigned to eliminate liquor and prostitution citing morality as their reason for their cause. Women began to bear the weight of this moralizing process these two sources of income were targeted and which impacted lower-class women like Ida Paul, Effie Lawrence, and Bella Moore as well as racialized women like Isabel and Florrisa Ghostkeeper, and Hana and Sisi. While all appearances showed that law enforcement was on board with cracking down on crimes related to sex and alcohol, the influence of the frontier period remained during this time. Police were hesitant to crack down heavily on these offences and judges gave out relatively light sentences. This would not last. With war looming on the horizon a massive shift in the social and economic balance in the province would contribute to a significant change in social and political discourse surrounding the roles of women in society and the state of crime and morality in the province.

Chapter 5: The Effects of War and What Comes After, 1915-1920

War changed the patterns of criminalization that had been established in the years prior. Geopolitical upheaval had a tremendous effect on Alberta. The economy experienced a bust in all industries except in agriculture and mining after the onset of WWI. For the first time since western expansion began, the west was no longer a land of opportunity. With unemployment rampant, urban crime and poverty rose to the forefront of urban life matching conditions in the rest of Canada. Mass poverty brought about tense race relations as immigrants and Albertans competed for the few available jobs. While the war dramatically transformed the economic landscape of the province, it also created an atmosphere of possibilities for women that had not been present during the frontier period. Women were able to enter into jobs that society had previously excluded them from, including the appointment of two women to the office of police magistrate. Most significantly, women attained suffrage and gained greater formal political equity in this period. Amidst the social, political, and economic turmoil of the war crime continued to underscore the changes affecting Albertan society. Governments and law enforcement changed the ways they responded to crimes to reflect those same disturbances and helped to accentuate growing fears surrounding criminality.

In the years leading up to the war, public interest in criminality remained at moderate levels. Reporting in Alberta newspapers focused on the most violent of crimes. At a national and international level, few stories were sensational enough to appear in regional newspapers. By the time the war began, reporting about crime had reached a high point with numerous stories about crime appearing nearly every week. Newspapers like the *Edmonton Bulletin* highlighted brutal

crimes from both Canada and the United States.¹ Interest pieces about criminal theory appeared more often likely as a way to draw attention away from the war and day-to-day hardships. Not only was crime sensationalized during these five years, police departments were also under increased scrutiny with annual updates released in city newspapers that detailed the efficiency and effectiveness of the police force. With so much public interest focused around criminality, the courts responded with more convictions and harsher sentences. For the five years under study, a total of 514 cases have been found involving women.² The vast majority of these cases centred on sex crimes with ninety-eight offences and alcohol offences numbering fifty-seven, and the number to jail sentences increased to fifty-nine. Preoccupation with these crimes continued from previous years, but the reason behind these crimes changed along with public opinion about these crimes. The most significant change came with the presence of women as magistrates over these female offenders. Many of these changes had to do with shifts in social discourse in the province, especially when it came to issues surrounding class.

Necessity demanded that women take on an active role in the waged economy throughout the war as more men fought and died in Europe. For most families, soldiers' pay could not cover basic expenses.³ It fell to women to take up the financial burden. Alberta's flagging economy during the war posed a problem for lower-class women as domestic labour jobs disappeared.⁴ Lower-class men and women found jobs in other industries, taking the place of men who had gone to fight, but the weak economy, gender norms, and limited education kept many from the

¹ PPP, "Confesses to Placing a Bomb in U.S. Capitol," *Edmonton Bulletin*, July 15, 1915. PPP, "Mother and Three Sons are Found Dead," *Edmonton Bulletin*, November 4, 1919. PPP, "Chicago River Sinister Element in City's Crime: Large Number of Bodies Have Been Taken from River in Past Few Years," *Edmonton Bulletin*, June 2, 1920. PPP, "Crowded Court Hears Gruesome Confession of Eskimos' Crime," *Edmonton Bulletin*, August 16, 1917.

² PPP, "Crime in Canada Shows Increase During Past Year," *Edmonton Bulletin*, November 21, 1919. PPP, "Year One of Prohibition Has Lessened Crime In Alberta by Fifty P.C. Over Previous Year," *Edmonton Bulletin*, October 6, 1917.

³ Bradford James Rennie, *The Rise of the Agrarian Democracy*, 110.

⁴ James G. MacGregor, *A History of Alberta*, 237.

lower-class from finding work. Even after the war ended, the *Edmonton Bulletin* reported that a continued crime spike in 1920 was due to the effects of the war and the influx of unemployed soldiers.⁵ These adversities added to a developing urban poverty crisis during the war.

Meanwhile, upper-class women wanted to prove that they could take on leading roles in society and sought political influence.⁶ The massive entry of women into the workforce signalled an important shift in urban perceptions about women in society and helped to begin accessing new opportunities.

Upper-class women in Alberta experienced the most opportunity during World War I with various political and social campaigns, such as work for the UFA, the Suffrage movement, and Temperance and Social Reform Movement, often using working and lower-class women as tools in those agendas.⁷ Figures like Louise McKinney, a high-ranking member of the Woman's Christian Temperance Union, had been using Christian evangelicalism to claim that "immigrants must be educated to high standards or our whole national life will be lower by their presence among us"⁸ and argued that the women of the Temperance movement were the ones most able to accomplish that goal. Famed author Nellie McClung tied marginalized groups to social impurity through racist and sexist rhetoric.⁹ She once commented that the movement was "obsessed with the belief that [they] could cleanse and purify the world by law"¹⁰ and willing to use anyone to

⁵ PPP, "Crime Increase is Reported By Alberta Police" *Edmonton Bulletin*, January 19, 1920.

⁶ Nitza Berkovitch, "The Emergence and Transformation of the International Women's Movement" in *Constructing World Culture: International Nongovernmental Organizations Since 1875*, edited by John Boli, George M Thomas, 100-126. Stanford: *Stanford University*, 1999. 109.

⁷ Cecily Devereux, "New Women, New World," 174.

⁸ Quoted in Howard Palmer, *Patterns of Prejudice*, 39.

⁹ Scholars such as Catherine Cleverdon *The Woman Suffrage Movement*, USA Columbia University 1950, Helen K. Wright *Nellie McClung and Women's Rights*, Ontario: Book Society of Canada, 1980, Carol L. Hancock, *Nellie McClung: No Small Legacy*, British Columbia: Northshore, 1996, and R.R. Warne, *Literature of Pulpit: the Christian Social Activism of Nellie McClung*, Ontario, Wilfrid Laurier University Press, 1993 have examined the influence and legacy of Nellie McClung from various perspectives.

¹⁰ Quoted in Howard Palmer, *Patterns of Prejudice*, 43.

carry out its aim. Women of these movements saw themselves as the ones who could uplift society which led to a significant change in the criminalization of women during this period: the creation of the Women's Court in Edmonton and Calgary and the appointment of female magistrates.

In 1915 the Alberta justice system appointed Judge Alice Jamieson as Magistrate over the Juvenile Court in Calgary and the following year she was chosen to preside over the Women's Court in Calgary.¹¹ She was an advocate for suffrage and a figure in the fight to get women elected to public offices. That same year Emily Murphy became Police Magistrate for the Edmonton Women's and Juvenile Court. A prominent figure in many social movements throughout Alberta, and across Canada, Murphy made a name for herself as a vocal supporter of women's suffrage and as a widely read author under the sobriquet Janey Canuck. She would spearhead the Person's Case in 1927 along with Nellie McClung, Irene Parlby, Louise McKinney, and Henrietta Muir Edwards, further cementing her place as a pillar in Canadian history. For the first time, women, children, and some men faced a female judge in a court. Both women were supporters of First Wave Feminist ideals and were vocal advocates for moral reform and temperance.¹² These ideals often put Murphy and Jamieson at odds with the lower-class women in their courts who for a short time used gender discourse to undermine the authority of Murphy and Jamieson.¹³

At the beginning of their careers, Murphy and Jamison faced repeated appeals seeking to quash their convictions. These motions cited that 'as a woman' or 'as a married woman' neither

¹¹ Melanie Methot, "Speaking Your Mind or Not: The Judicial Careers of Police Magistrates Emily Murphy and Alice Jamieson, 1916-1933," In *Public Discourse and Women Writing*, edited by C. Verduyn and A. Vanherk. Wilfred Laurier Press, (accepted by editors); 24-25.

¹² Christine Mander, *Emily Murphy: Rebel*, 100.

¹³ Kay Sanderson. *200 Remarkable Alberta Women*. (Calgary: Famous Five Foundation, 1999) 14.

woman had authority, ability, or right to hold their seat or to pass judgement on others. By appointing Jamieson and Murphy as magistrates, the judicial system had affirmed that women had the authority to hold public office in Canada.¹⁴ However, in the eyes of the public gender norms disqualified women from positions of authority, primarily because of the increased focus on enforcing traditional family structure, which limited women to the home. To combat these types of appeals Magistrate Charles Allan Scott made a ruling in 1917 during an appeal made by Lizzie Cyr's attorney claiming "that the said Mrs. Alice J. Jamieson is not a police Magistrate and has no capacity for holding the appointment of Police Magistrate and is incompetent and incapable of holding the said appointment."¹⁵ Justice Scott threw out the appeal, but not before making a clear ruling about the right for women to hold a seat on the bench. Scott drew on several historical examples of women in seats of judicial authority including women like Queen Eleanor, 1223-1291 who, as the Lord Keeper of the Great Seal and listed as the Lord of Chancellors, performed various judicial and ministerial duties to argue that in the right circumstances women were capable of holding office.¹⁶ He further drew on several civil court cases in England that showed a general sense that English courts were willing to let women hold public office, but the wording of English Common Law barred the way. In the *Cherlton vs. Lings* case, upper-class women in England petitioned for the right to vote for members of Parliament, but the court upheld the ban.¹⁷ This case pointed to an 1867 amendment to the Representation of the People Act¹⁸ that used the words 'every man'. The court concluded that unless explicitly stated otherwise, the use of the masculine pronoun included women as well. Scott pointed out

¹⁴ David Bright, "The Other Woman: Lizzie Cyr and the Origins of the 'Persons Case'," *Canadian Journal of Law and Society* 13, no. 2 (Fall 1998), 101.

¹⁵ PAA, ACC, 72.26, King vs. Cyr, file 899/c.

¹⁶ PAA, ACC, 72.26, King vs. Cyr, file 899/c.

¹⁷ PAA, ACC, 72.26, King vs. Cyr, file 899/c.

¹⁸ Also known as the Second Reform Act, was an amendment through which working class men in England and Wales gained the right to vote.

that the disparity between court's words and decisions was the result of institutional cowardice that prevented the English courts from making truly progressive judgements, leaving that to future cases. He repeated that argument as he brought up several other English cases barring women from political and legislative advancement due to ambiguous wording in the laws and personal weakness of the judges.¹⁹

These are only two of the many examples Scott addressed, but he repeatedly argued that the only thing standing between women and positions of power were men unwilling to put action behind their judgements despite their statements falling in favour with these women. Further writing that "[a]side from the notable fact that in England, as in many other countries, women have often occupied the throne and have shown great capacity as rulers..." and that "in every instance in which a woman's right to any office was questioned before the present generation she was held to be competent, although the court often took occasion to say that women were [not] competent to hold all offices."²⁰ Turning away from England, Scott wrote that from the:

early stages in our history women were admitted as members of the Law Society although none were actually called to the bar because they did not proceed with the examination, and to the practice of medicine, as members of the College of Physicians and Surgeons... I therefore think that applying the general principle upon which the common law rests, namely that of reason and good sense... the Court ought to declare that in this province and at this time in our presently existing conditions there is at common law no [legal] disqualification for holding public office in the government of the country arising from any distinction of sex.²¹

¹⁹ The cases referenced by Scott in his ruling include: *King vs. Stubbs*, 2 T. R. 395 (1788), *Cherlton vs. Lings* L. R., A C. P., 374, *Beresford-Long vs. Lady Candhurst*, L. R., 23 N. B. D., *DeCouen vs. Cohden* (1891), *Regina vs. Harrauld* L. R. 7 Q. B., 361.

²⁰ PAA, ACC, 72.26, *King vs. Cyr*, file 899/c.

²¹ PAA, ACC, 72.26, *King vs. Cyr*, file 899/c

This single case became Scott's career-defining moment and opened the way for Murphy and Jamieson to continue as magistrates and bring their stances on justice and the role of the courts in the lives of criminal women.²²

Many of Murphy's and Jamieson's cases had meticulous documentation and relatively complete records. While male judges continued to leave little in the way of documentation and showed minimal interest in most cases involving women, Murphy and Jamieson recorded much of their court proceedings and interacted directly with the offenders. Murphy even went so far as to write the statements, cross-examination, and affidavits for her early cases by hand until she got a stenographer in the Women's Court.²³ One of the primary reasons that Murphy showed such interest in the defendants was due to her interest in social welfare. By interacting with each woman directly, Murphy could decide how to 'best' sentence each woman to reform each offender.²⁴ One of her first cases in 1916 was that of Annie Zelko (alias Annie Smith), a known vagrant and prostitute. This case demonstrated Murphy's willingness to engage with the court proceedings and criminal women directly.²⁵

At Zelko's first appearance Murphy fined her \$25.00 for vagrancy which the defence had quickly overturned. The following year in 1917 Zelko once again came before Murphy, this time for night walking. Once again she was fined \$25.00 with additional thirty-day incarceration only for this conviction to again be quashed.²⁶ Records show that Murphy was keenly interested in this case. She asked questions of both the prosecution and the defence and for clarification from

²² Louis Knafla and Richard Klumpenhower, *Lords of the Western Bench*, 163.

²³ Murphy E, Vol 1, 1916, box 115 file 2158JP. In these files there are repeated requests for a stenographer in Murphy's court.

²⁴ Male magistrates also interacted with female offenders directly but in many of the records evidence of these interactions is lacking.

²⁵ PAA, SCA, GR1983.0001, King vs. Zelko, box 60 file 5453.

²⁶ PAA, SCA, GR1983.0001, King vs. Zelko, box 62 file 5621.

witnesses on the stand. Murphy even went so far as to ask that Detective Petheram, the arresting officer, return to the stand so that she could ask more questions. At the end of Zelko's 1917 trial, Murphy stated that she was "going to find the accused guilty [and] would like to ask her some questions before sentencing her."²⁷ The defence denied her request saying that her questions would not matter because the lawyer would move to have the conviction quashed. Zelko's lawyer did submit the appeal arguing that the sentence imposed was too harsh.²⁸ Justice William Carlos Ives upheld the appeal, stating that evidence given by the court demonstrated that the police had intimidated Zelko and "used every effort to improperly convict the girl of being a night walker...",²⁹ indicating that Murphy overstepped her jurisdiction as a magistrate and allowed the police to influence her decision. Taking an interest in the welfare of the offenders in her court opened Murphy to criticisms of presupposing guilt. With more girls and women seeming to abandon their prescribed roles in the home, Murphy's justice appeared reactionary by attempting to impose social order especially in light of her public and very vocal calls in the *Edmonton Bulletin* for reformatories, and the addition of morality crimes like adultery to the criminal code.³⁰ Magistrate Murphy represented the expanding opportunities available to upper-class women in Alberta in terms of advancing into professional careers³¹ Lower-class women did not have access to similar opportunities, which led to many conflicts within Murphy's court, especially when it came to women like Sarah J. Calvin, the proverbial bee in Murphy's bonnet.

²⁷ PAA, SCA, GR1983.0001, King vs. Zelko, box 62 file 5621.

²⁸ PAA, SCA, GR1983.0001, King vs. Zelko, box 62 file 5621.

²⁹ PAA, SCA, 69.210, Murphy E. Vol 1 1916, box 115 file 2159JP

³⁰ PPP, "Says Local Correction Farm Needed," *Edmonton Bulletin*, August 21, 1920, PPP, "Dominion Government is Urged to Make 'Adultery' A Punishable Offense Under the Criminal Code," *Edmonton Bulletin*, November 24, 1916.

³¹ Jennifer Henderson, *Settler Feminism and Race Making in Canada*, (Toronto: University of Toronto Press, 2003), 172.

Calvin first met Murphy in 1917 charged with being an inmate of a house of ill fame along with Maggie Thompson³² charged with owning a disorderly house.³³ Murphy fined Calvin \$150.00 and sentenced Thompson to nine months hard labour, only to have the convictions immediately quashed.³⁴ The following year in April, Calvin appeared again and this time she was the one facing charges for keeping a disorderly house. Murphy sentenced Calvin to a three-month prison sentence at the Fort Saskatchewan Jail on top of a \$150.00 fine, but after defaulting on that fine Calvin received an additional three months.³⁵ However, Calvin's lawyer discovered an issue with the warrant leading to Calvin once again walking free, cleared of all charges.³⁶ Three months later, Calvin would once again grace Murphy's courtroom facing another charge of keeping a bawdy house. At this hearing, Murphy issued verbal reasoning for her conviction, stating that:

[Y]ou had previously been before me, Mrs. Calvin, and had been convicted by me, and I wanted to make very sure there was no mistake, and I did not wish it to seem like persecution in your case. You then appealed the case and won on a technicality concerning the warrant which was issued; and I was very careful about issuing a second one. But I may say that for some time, I had an idea of what was going on in your house... but I see here that "the weight of evidence, like its admissibility, must not be determined by arbitrary rules, since it depends on common sense, logic and experience" I therefore have found you guilty..."³⁷

After Murphy made this statement, the defence quickly put in an objection arguing that Murphy had taken into account information she had learned outside the confines of the court and made

³² Maggie Thompson was also haunted Murphys courtroom facing a variety of charges between 1917 and 1930. Because many of the charges fall outside the scope of this examination her cases were not highlighted.

³³ PAA, SCA, GR1983.0001, King vs. Calvin and Thompson, box 68 file 6152.

³⁴ PAA, SCA, GR1983.0001, King vs. Calvin and Thompson, box 68 file 6152.

³⁵ PAA, SCA, GR1983.0001, King vs. Calvin, box 77 file 6798.

³⁶ PAA, SCA, GR1983.0001, King vs. Calvin, box 77 file 6798.

³⁷ PAA, SCA, GR1983.0001, King vs. Calvin, box 77 file 6798.

that the basis for her decision. Because of this, the defences' motion to quash the conviction passed, and Calvin managed to evade Murphy.³⁸

A few months later, three more charges brought Calvin into Murphy's court again. Firstly she was once again charged with keeping a disorderly house, for which Murphy fined Calvin \$100.00, only for Calvin to get the charge quashed.³⁹ For the second charge, Calvin stood accused of procuring one Lousie DeVilliers to become a common prostitute which Murphy dismissed.⁴⁰ It would be the third charge that put an end to the saga of Murphy and Calvin. Upon her arrest, Calvin made the mistake of attempting to bribe two police officers. At the trial, the officers testified that Calvin had said: "“You know you boys have been awful hard on me, and I will give you both a hundred dollars apiece if you let this thing drop’,” as well as claiming that ““[m]oney is no object’... ‘I don’t want to be arrested’.”⁴¹ With this evidence, Murphy moved Calvin to Fort Saskatchewan Jail to await sentencing, but Calvin submitted another appeal citing habeas corpus and certiorari. This move took Calvin's case out of Murphy's jurisdiction and moved the case into a superior court where Chief Justice Horace Harvey took over the case. Calvin's defence may have done this as a way to avoid Murphy who already had an antagonistic relationship with Calvin, and appeal to what may have been a more neutral court, or quite possibly because Calvin hoped she could bribe her way out of this situation. Harvey fined Calvin \$200.00 and bound her over to keep the peace, and Calvin succeeded in her goal to stay out of jail.

³⁸ PAA, SCA, GR1983.0001, King vs. Calvin, box 77 file 6798.

³⁹ AA, ACC, 72.26, King vs. Calvin, file 1233.

⁴⁰ PAA, SCA, GR1983.0001, King vs. Calvin, box 77 file 6813.

⁴¹ PAA, SCA, GR1983.0001, King vs. Calvin, box 76 file 6793.

Murphy's notes reveal a vivid understanding of each trial. Unlike many of the cases examined Calvin's agency shows throughout Murphy's notes, highlighting not only the way Calvin's lawyers won appeal after appeal but also in Calvin's attempts to bribe her way out of trouble. Murphy's attention to detail and frustration toward Calvin carries through in the documents. While Murphy's cases offer such detail that is far greater than that of her male counterparts, her sentences follow the trend in the Alberta justice system that continued to focus on policing the morality of the lower-class, especially in the wake of the war.

The primary point of contention in the province continued to center on the question of alcohol consumption and prohibition. The number of women accused of alcohol offences increased despite some claims that such offences were declining. Women stood accused of possessing alcohol and making illegal sales of alcohol, along with charges of drunkenness.⁴² Commentators disagreed about whether temperance campaigns were making a difference. In 1915 the Correspondence section of the *Edmonton Bulletin* was filled with various opinions about the purported benefits of prohibition.⁴³ Some writers argue that prohibition had already reduced crime in some regions, while others claim that such claims were overstated and misinterpreted for various reasons. Law enforcement and the Temperance movement had a vested interest in portraying themselves as able to maintain a level of control over crime rates during the war. With a large section of the population struggling to survive the economic turmoil of the war cracks in that control were impossible to hide.

In 1917 an article titled "One Year of Prohibition has Lessened Crime in Alberta by Fifty P.C. Over Previous Year," claimed that the number of drunkenness and vagrant charges had

⁴² A total of 57 alcohol related offences were found to have occurred between 1915 and 1920, 29 alcohol related offences occurred between 1905 and 1914, and only 2 occurred between 1892 and 1904.

⁴³ PPP, Prohibition as a Reducer of Crime," *Edmonton Bulletin*, June 2, 1915.

decreased but failed to show if similar decreases occurred for other crimes.⁴⁴ By 1919 articles began appearing stating that prohibition was not the great social saviour that the Temperance movement had claimed it would be. Both kinds of articles acknowledged that prohibition was having the opposite effect than was intended. A prominent minister in the Advent Church Reverend H. H. Little explained that rather than eliminating the sin of alcoholism, prohibition had merely forced it underground.⁴⁵ The Alberta Attorney General further agreed with this point, claiming that along with the illegal market of alcohol, rise in drug usage occurred because of prohibition. Regardless, the judicial system would continue to enforce the law. There was growing concern about the number of people arrested and the increasing amount of human resources required to enforce the law.⁴⁶ One way charitable groups sought to combat alcoholism during the war was by providing economic support to hopefully inspire a return to more moral ways of living and provide economic relief to those struggling to survive.

The Patriotic Fund was one of the more prominent charitable organizations that tried to support soldiers' families, but the conservative orientation of the fund restricted those who could apply for relief. Primarily the fund was for married women of upstanding moral virtue and denied funding to women who fell outside those confines. The beginning of the war heralded a shift in the economic climate of the province, jobs becoming increasingly scarce, and some lower-class women resorted to any measure they could use to help their families and themselves to survive.

⁴⁴ PPP, "Year One of Prohibition Has Lessened Crime In Alberta by Fifty P.C. Over Previous Year," *Edmonton Bulletin*, October 6, 1917.

⁴⁵ PPP, "Total Prohibition a Mistake Say Minister," *Edmonton Bulletin*, March 25, 1919.

⁴⁶ PPP, "Liquor Law Will Be Enforced to the Upmost in the Province States Attorney General Boyle," *Edmonton Bulletin*, February 15, 1919.

Prostitution was the last resort for most women. By this point in the twentieth century, the general attitude toward prostitution had changed significantly, and there was an increasing push to embrace the more conservative values of temperance, monogamy, and family. As a result, the public outcry against prostitution continued to rise. In particular, the crime of vagrancy became a focal point during this time.⁴⁷ One aspect of prostitution cases unique to this time was the desire by magistrates to maintain families. Murphy, Jamieson, and male judges were more inclined to show mercy in cases where the family unit was at risk. Murphy, in particular, showed concern to women married to soldiers, often stating that she did not want the actions of these women to reflect poorly on the success and accomplishments of their husbands.⁴⁸ In the case of Mrs. Gladys Lees, accused of keeping a bawdy house in 1916, Murphy gave a suspended sentence and commented that she was “treating you with leniency on the grounds that this is your first offence and secondly that your husband is at present with the Colors and the story of your conduct must undoubtedly prove a shame to him.”⁴⁹ For most women, this was not the case, so Alberta city police force continued to use morality units to better respond to public concerns such as an increasing concern focused on white slavery.

White slavery⁵⁰ was a persistent myth that vilified racialized and immigrant men, but those accused of committing white slavery were not always men, nor were they always committed by racialized or immigrant individuals. An article in the *Edmonton Capital* commented on the unusually high number of white slavery cases in the Edmonton courts but did

⁴⁷ No cases of vagrancy were found between 1892 and 1904, 3 cases between 1905 and 1914, and 53 occurred between 1915 and 1920.

⁴⁸ PAA, SCA, GR1983.0001, King vs. Freiberg, box 67 file 6069.

⁴⁹ PAA, SCA, GR1983.0001, King vs. Lees, box 59 file 5369.

⁵⁰ “White Slavery” is a term used as a propaganda description for involuntary prostitution of white women in particular, first coined in 1876 by the British and Continental Federation for the Abolition of Government Regulation of Prostitution. *Oxford Reference* “White Slavery” <https://www.oxfordreference.com/view/10.1093/oi/authority.20110803122320152> (accessed June 28, 2019).

not question why this had occurred.⁵¹ The sudden appearance of white slavery cases committed by women indicates how prostitution work evolved or appeared to evolve during the war. While cases of white slavery were rare, with only five cases committed by women during the war, they received significant attention from the public.⁵² Newspapers of the time classified these cases as white slavery, but the courts charged these offenders with crimes such as ‘procuring’ and ‘unlawful carnal connection.’⁵³ In January of 1914, Lizzie Ross⁵⁴ faced the courts in Edmonton after law enforcement discovered that she had lured Lily Hunt, a fifteen-year-old girl to have ‘carnal connection’ with a man named Adolphus Rioux. Judge Hedley Clarence Taylor sentenced Ross to five years in the Alberta Penitentiary.⁵⁵ Three years later Edith McClelland⁵⁶ faced the same charges after fifteen-year-old Josephine S. Babet accused McClelland and Alcide Bessette of white slavery. McClelland only received two years in the Alberta Penitentiary.⁵⁷ Also in 1917, American housekeeper Blanch Jackson⁵⁸ received a one year sentence at Macleod prison for procuring Bertha Jackson to have ‘carnal connection’ with a man.⁵⁹ Each of these three cases was highly publicized in the *Edmonton Bulletin* and only added to public worry over failing sexual morality on Canadian society and escalated fears that sexual vice was spreading.

⁵¹ PPP, “No Murder Cases at Supreme Court: White Slavery Appears to be on Increase Throughout Province,” *Edmonton Capital* February 17, 1914. PPP, “States No Such Thing As White Slavery Exists,” *Edmonton Capital*, July 22, 1914.

⁵² PAA, SCA GR1983.0001, King vs. Ross, box 36, file 3535, PAA, ACC, 72.26, King vs. McClellan, box 676 Box 8, PAA, SCA GR1983.0001, King vs Jackson box 67 file 6035, PAA, SCA GR1983.0001, King vs. Virgil, box 62 file 5644, PAA, SCA GR1983.0001, King vs. McQuaid, box 66 file 6001.

⁵³ PPP, “White Slavery Case Heard in Police Court: Fifteen Year Old Girl Makes Serious Charge Against Local People,” *Edmonton Bulletin*, January 27 1917.

⁵⁴ PAA, SCA, GR1983.0001, King vs. Ross, box 36 file 3535.

⁵⁵ PPP, “Procuring Case in Police Court,” *Edmonton Bulletin*, January 28 1914.

⁵⁶ PAA, Alberta Criminal Court (ACC), 72.26, King vs. McClelland, box 8 file 676.

⁵⁷ PPP, “White Slavery Case Heard in Police Court,” *Edmonton Bulletin*, January 27, 1917.

⁵⁸ PAA, ACC, 72.26, King vs. Jackson, file 1030/c.

⁵⁹ PPP, “Police Court,” *Edmonton Bulletin*, October 3 1917.

In conjunction with the concern over sex crimes, rates of vagrancy charges also experienced an increase largely because of the economic crisis caused by the war. As women searched for work, they became more visible in public spaces. Traditional gender norms contended that unaccompanied women, especially at night, were usually on the street for nefarious and immoral reasons. The law worded vagrancy offences loosely to cover a wide array of offences that included prostitution and streetwalking among others.⁶⁰ Women charged with vagrancy received an array of punishments ranging from small fines of \$3 to \$100 and jail sentences to a maximum of six months. Some women received suspended sentences or were remanded to care organizations. Pearl Simpson was one casualty of vagrancy laws when in 1915 she faced a vagrancy charge in Edmonton. At her sentencing hearing Magistrate Phillip Caterat Hill Primrose lectured Simpson and told her that she should “[return] to the more pure surrounding of her parents’ home on the farm and avoid the music halls, shooting galleries etc of the city and further advised that upon being convicted for a similar offence she renders herself liable to punishment [for] this charge.”⁶¹ Unlike the majority of sentences handed out by male judges, Primrose left a record of his interaction with Simpson. By choosing to lecture Simpson, Primrose opened the door for her to appeal the conviction. Simpson’s attorney mentioned a few reasons for quashing her conviction. The primary argument focused on Primrose’s conviction, arguing that the chastising he delivered did not constitute an appropriate or real sentence that exceeded his jurisdiction, if he had jurisdiction at all writing; “That I am informed and advised and verily believe that I was not properly convicted of said offence as charged in the said

⁶⁰ The Criminal Code described a vagrant in the early 1900s as an “unlawfully loose or disorderly person or a vagrant in that [they] had no visible means of maintaining [oneself] and did live without employment.” PAA, SCA, GR1983.0001, King vs. Simpson, box 55 file 5031. David Bright. “Loafers Are Not Going to Subsist,” 43.

⁶¹ PAA, SCA, GR1983.0001, King vs. Simpson, box 55 file 5031.

Information.”⁶² This case is one of the few examples of a male magistrate engaging directly with a female offender in the court documents and provides an example of how women’s criminality was often used to make an example of women.

Vagrancy rates rose steadily, and so did instances of theft committed by women.⁶³ Items taken by women were rarely of significant value. More often than not, they took clothing, household goods, small sums of money, or small items that they could sell quickly.⁶⁴ Just like all other crimes during this time, the chaos of war caused the escalation of rates of theft. In August of 1919, Gertrude Garrett faced arrest for stealing milk tickets. She and her lawyer protested having her cases appear before Magistrate Alice Jamieson because “it had been clearly intimated that Mrs. Jamieson had made up her mind before she heard of the witness” and the police intended to “make an example of her.”⁶⁵ Garrett’s case was an anomaly among cases because of this desire to use her case as a warning to would-be thieves. Most women received fines or jail time, but the reason why women committed these crimes never arose in court proceedings. One phenomenon that occurred during the war was the emergence of large scale con operations perpetrated by women.

Several rings of enterprising women in 1915 Edmonton operated fortune-telling businesses that conned the male complainants out of their hard-earned money.⁶⁶ These women

⁶² PAA, SCA, GR1983.0001, King vs. Simpson, box 55 file 5031.

⁶³ This research shows that between 1982-1904 only one case of theft occurred, between 1905-1913 twenty-one cases passed through the courts and from 1914-1920 the number increased to thirty-seven.

⁶⁴ Etta A. Anderson, “The “Chivalrous” Treatment of the Female Offender in the Arms of the Criminal Justice System: A Review of Literature,” *Social Problems*, 23 no. 3 (February 1976), 351.

⁶⁵ PAA, SCA, 772.26, King vs. Garrett, box 25 file 1688.

⁶⁶ The complainants in this case consisted entirely men; it is unclear if any women were on the receiving end of the scam. PAA, SCA, GR1983.0001, King vs. Demitro, box 53 file 4838, PAA, SCA, GR1983.0001, King vs. Mitchell, box 53 file 4831, PAA, SCA, GR1983.0001, King vs. Erano, box 53 file 4830, PAA, SCA, GR1983.0001, King vs. Mitchell box 52 file 4795, PAA, SCA, GR1983.0001, King vs. Kutsch, box 52 file 4794, PAA, SCA, GR1983.0001, King vs. Levi, box 51 file 4731, PAA, SCA, GR1983.0001, King vs. Leon, box 51 file 4730.

came from diverse backgrounds; some were Canadian born citizens, others were immigrants from Serbia or England, and or Spanish gypsies. Their sentences ranged from \$10.00 to \$250.00 fines or were encouraged to leave the country.⁶⁷ The prevalence of cases of theft and fortune-telling operations demonstrates that women were adapting to their situations. In the justice system, magistrates showed two different mindsets in how they believed best to treat these women. Judges like Magistrate John Lydon Crawford, one of Alberta's longest-serving judges, repeatedly sentenced several women to one-year prison sentences, regardless of the amount stolen. Women such as Anna Inglis⁶⁸ and Edna H. Kemp,⁶⁹ who stole \$60.00 and \$135.00 both served the same time. This approach criminalized the state of poverty many women found themselves in. Other magistrates were more sympathetic in cases like that of Alice Millns who received three months in Macleod prison for stealing \$30.00 in 1917 after a man named George faked a romance and scammed her, only to be immediately released on a suspended sentence for good behaviour.⁷⁰ While women of all classes were able to find new opportunities during the war, many fell victim to the upheaval left in its wake and had to resort to criminal activity for survival. The crimes that women committed did not change but the way society talked about their crimes and the way in which the courts treated the women had. No longer did law enforcement recognize prostitution and alcohol as accepted features of Albertan society, and Alberta's social discourse matched that of the rest of Canada.

⁶⁷ PAA, SCA, GR1983.0001, King vs. Demitro, box 53 file 4838, PAA, SCA, GR1983.0001, King vs. Mitchell, box 53 file 4831, PAA, SCA, GR1983.0001, King vs. Erano, box 53 file 4830, PAA, SCA, GR1983.0001, King vs. Mitchell box 52 file 4795, PAA, SCA, GR1983.0001, King vs. Kutsch, box 52 file 4794, PAA, SCA, GR1983.0001, King vs. Levi, box 51 file 4731, PAA, SCA, GR1983.0001, King vs. Leon, box 51 file 4730.

⁶⁸ PAA, SCA, GR1983.0001, King vs. Inglis, box 44 file 4143.

⁶⁹ PAA, SCA, GR1983.0001, King vs. Kemp, box 44 file 4145.

⁷⁰ PAA, SCA, GR1983.0001, King vs. Millns, box 68 file 6141.

The war created an atmosphere of chaos that dramatically challenged the social order of the province. The idea of the west as a land of prosperity had passed and questions about who belonged in the province and the social structure of the region changed rapidly. Economic and geopolitical stresses allowed women to access opportunities previously barred to them even in a transformed economic landscape. With many men overseas women had to take up the role as breadwinners for their families. While a lot of women found employment in professions outside domestic labour, some women fell into prostitution, sex trafficking, selling alcohol, and theft. Unlike in previous years Albertans did not view prostitution and alcohol as necessary social evils, rather they saw these crimes as symptoms of an immoral society, fueled by wartime suspicions. Newspaper articles reveal that not all in the province were convinced about the effectiveness of the variety of moralizing campaigns and legislation, but in the eyes of the law morality crimes were now harshly criminalized.

At the same time as lower-class women were finding new freedoms, upper-class women were also seizing their opportunity during the war. The Suffrage movement attained their goal of gaining the right to vote, and Temperance and moral reform leagues found society more willing to listen to and accept their social platforms. One of the most significant changes that affected criminal women was the appointment of Emily Murphy and Alice Jamieson to the position of Police Magistrate. This brought women into a position of political equity with their male counterparts and for the first time women were able to directly influence the legal discourse around women and criminality. While the crimes that these women committed had not changed, the way in which the courts and society interpreted them had evolved. The discourse surrounding women's crimes now fell in line with that of the rest of the country.

Chapter 6: Conclusion

Alberta experienced significant changes between 1892 and 1920. As the Dominion government sought to install a British upper-class social order in the region, the transition from the open society of the frontier, to a transitioning settler colony, to a province in the Dominion of Canada saw a dynamic process of social, political, and cultural reorganization that caused a transformation in the criminalization of racialized and lower-class women. As the frontier era came to a close in the Territory it left behind a cultural legacy in the region that a hopeful Dominion government hoped to eliminate.

To the Dominion the North-West Territory was an open land full of economic opportunity, but it also was a land full of violence and lawlessness. For those who lived there, a society was fostered outside of a classed system that was free from many of the social, class, and race constrictions of Old Canada and Europe. As the Dominion sought to turn the west into a settler colony new social and legal order had to be established. For the small number of women who called the frontier home the economic opportunities that were driving change in the region were mostly unavailable to them. The cases reviewed during this period provided a snapshot into the lives of women in the frontier and the freedoms and restrictions afforded to them in the Territory. Rural life offered women a chance to become leaders in their communities, own and operate businesses, as well as engage in more nefarious occupations like alcohol distribution and sex work.

As the Dominion began to exert its influence in the west it began to challenge the status quo of the frontier. Women like Sara Rondeau were targeted because upper-class society saw her as a threat to the space of men in the medical profession and used her as a chance to undermine the internal networks of rural communities. For women engaged in more criminal occupations

their crimes met various reactions in the courts. Prostitution remained largely uncriminalized because of its function in maintaining social order. In contrast women tied up with Indigenous people faced tough consequences because they had become embroiled in the Dominion's plan to suppress Indigenous populations.

After the North-West Territory became Alberta a stream of successes and failures came to the forefront as the efforts of politicians and influential persons intensified in their campaigns to establish a new social order in the region. The upper-class now had legitimacy in the region and used both political and social influence to push change in the province, primarily through moral reform crusades designed to impart morality on lower-class and racialized people. As the demographic of women began to equal that of men, prostitution started to lose the understanding that it was a necessary evil and women were once again required to take up domestic and familial responsibilities. Significantly, this change in criminalization took away prostitution as a form of work of women in the region and limited the ways women could access the economic opportunities of the west and pushed prostitutes toward the fringes of society. While the upper-class had prostitution listed as a threat to the wellbeing of society, law enforcement hesitated to treat it as such and still classified prostitution as a necessary social evil.

As more and more people moved into the city, crimes of the urban poor were thrust into the spotlight and wealthy upper-class men and women began to target the activity of the poor, which tended to focus on alcohol consumption in particular. Discourse around liquor consumption focused on its disruptive impact on society and the nuclear family. The increasing importance of movements like suffrage, temperance and social welfare started to bring these concerns into the forefront and pushed these anxieties into public discourse. As a result of the fight against prostitution and alcohol consumption more women faced criminal charges. At the

same time as these moralizing campaigns the upper-class also showed concerns over rising rates of non-Anglo immigrants in the region. While the criminalization of Indigenous and Japanese women appeared in court records, there was no noticeable increase in the criminalization of other immigrant groups indicating the lack of institutional concern about the type of immigrants in the province at this time.

The onset of WWI dramatically transformed the social and political dialogue of the region. Geopolitics suddenly played an important role in how Albertans interpreted citizenship, defined morality, as well as created space for new opportunities for women. Immigration fell out of favour with Albertans, and the multicultural fabric of the region became a source of contention as economic prospects worsened during and after the war. Women of both the upper and lower-class in contrast were finally able to access the prosperity the west had promised. Women gained the right to vote, were hired for professions outside of the domestic sphere, and gathered more political equity. While these benefits did not apply to all women especially racialized and the poorest women to the same extent as it did for upper-class white women. The social platforms championed by moral reformers found sympathetic ears in a society rocked by war and economic turmoil. Urban poverty reached new heights as unemployment grew and some women had to rely on sex work, production and sale of alcohol, and theft to survive. This put increasing numbers of women in front of the courts, and for the first time in Canada, in front of female magistrates. Emily Murphy and Alice Jamieson delivered a particular type of justice focused on reforming female offenders and instilling the morality they ascribed to as leaders of the suffrage and temperance movements.

In the years following the war, Alberta was more sympathetic to discourse shared by the rest of Canada. Nationwide discussions about race, gender, and class were now a part of

Alberta's cultural framework. The frontier identity that rejected class divisions and had more open tolerance for immigration and gender norms had passed. Campaigns designed to instill a rigid class hierarchy had divided Albertans by identifying aspects of poverty as criminal offences. Prostitution and alcohol that had once been characteristic staples and accepted aspects of frontier life were now rejected criminal offences perpetrated by deviants lacking in morality. The settler colony that the Dominion had wanted to create in the Territory now reflected many of the same values the men and women of the frontier had journeyed westward to escape.

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